

THE HONOURABLE SRI JUSTICE RAJA ELANGO
CRIMINAL REVISION CASE No.2683 OF 2015

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ORDER:

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The petitioners have preferred the present criminal revision case by invoking the provisions under Sections 397 and 401 of Code of Criminal Procedure (Cr.P.C.,) being aggrieved by the docket order, dated 16.09.2015, passed in C.F.R.No.1966 of 2015, by the Court of the Principal Junior Civil Judge, Parchur, Prakasam District, whereby the learned Judge referred the complaint of the complainant to the SHO and the SHO is directed to register FIR and to investigate and submit report.

Learned counsel for the petitioners submits that the Court below erroneously passed the docket order and an opportunity may be given to them before registering the FIR and as such, prays this Court to set aside the order impugned in the revision case.

This Court is of the view that it is necessary to extract the docket order, dated 16.09.2015, passed by the Court below.

Petitioner is absent. Petition to condone his absence is allowed. Heard learned counsel for complainant perused the record. Prima facie case is made out against the accused. Hence, refer the complaint to the SHO and the SHO is directed to register FIR and investigate and submit report. For report, call on 16.10.2015.

On perusing the material available on record, this Court is of the view that the Court below came to a conclusion that there is a *prima facie* case against the accused and as such, referred the complaint under Section 156(3) Cr.P.C., and accordingly directed the SHO to register the case and investigate and submit report.

Considering the facts and circumstances of the case, the criminal revision case is disposed of with the following directions.

On the basis of the order passed in C.F.R.No.1966 of 2015, dated 16.09.2015, if the respondent/police registered the case against the petitioners, the respondent/police is directed to complete the investigation without arresting the petitioners herein and file a final report, if any, in accordance with law. On filing of such report, if the petitioners are

aggrieved over the report, they are at liberty to approach this Court for appropriate relief.

With the above directions, the Criminal Revision Case is disposed of. Consequently, miscellaneous petitions, if any, pending, shall stand closed.

JUSTICE RAJA ELANGO

17.11.2015

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