

HONOURABLE SRI JUSTICE RAJA ELANGO

CRIMINAL REVISION CASE No.2720 of 2015

ORDER:

This criminal Revision Case is filed by the petitioner, under Sections 397 and 401 of Criminal Procedure Code, against order dated 09.10.2015 passed in C.F. No.2745 of 2015 on the file of Judicial Magistrate of First Class, Madanapalle.

Heard and perused the material available on record.

The petitioner filed a private complaint before the learned Magistrate by invoking provisions under Section 190 Cr.P.C. The Magistrate has forwarded the said complaint to the Station House Officer, II Town Police Station, Madanapalle under Section 156(3) Cr.P.C., and the police, after investigation referred the same as the matter is civil in nature and STC is also pending. The petitioner filed another application before the Court below on 05.10.2015 with the following prayer:

“It is therefore most humbly prayed that the Hon’ble court may be pleased to ISSUE REMINDER to the SI Of Police; Madanapalle li town PS to register the crime and investigate into the matter for the above submitted reasons, in the interest of justice.”

The learned Magistrate returned the said application with the following endorsement:

“CF 2745/2015 has been returned by Sub-Inspector of Police, Madanapalli II town Police Station stating that STC 189/14 pending, the total investigation is civil nature and the 2nd complaint is not maintainable on the same set of facts of the case under law. Hence, the CF is returned.”

The order passed by the learned Magistrate clearly indicates that already the case has been forwarded to the Station House Officer under Section 156(3) Cr.P.C. When a complaint is forwarded under Section 156(3) Cr.P.C., it is the duty of the Station House Officer to register the case and to file final report, if any, in accordance

with law. There is no material on record to show that either the police registered the case on the complaint referred by the learned Magistrate or the learned Magistrate closed the case on the reference made by the police.

From a reading of the order passed by the learned Magistrate, it is evident that the said CF 2745/15 has been returned by the Sub-Inspector of Police, without registering the case. Therefore, the Court concerned is directed to verify whether the respondent police registered the case as per the earlier directions issued by the Court on the complaint filed on 30.03.2015. If no case is registered on the complaint, dated 30.03.2015, the trial Court is at liberty to issue necessary directions to the police concerned.

With the above observations, the Criminal Revision Case is disposed of. Miscellaneous Petitions, if any pending, shall stand closed.

RAJA ELANGO, J

November 16, 2015.

KTL