

THE HONOURABLE SRI JUSTICE RAJA ELANGO

Criminal Revision Case No.1393 of 2015

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ORDER:

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The petitioner filed this Criminal Revision Case by invoking the provisions under Sections 397 and 401 of the Criminal Procedure Code being aggrieved by the docket order dated 23-04-2015 passed in C.F.R. No.1986 of 2015 by the Additional Judicial First Class Magistrate, Markapur.

The docket order dated 23-04-2015 passed in C.F.R. No.1986 of 2015 by the Additional Judicial First Class Magistrate, Markapur, reads as follows :

“The complainant present. This complaint is forwarded to S.H.O. of Y.Palem to investigate and to file report by 21/5.”

The brief facts of the case are as follows :

The Respondent-complainant preferred a private complaint and the same was referred under Section 156(3) Cr.P.C., on the basis of which an F.I.R. was registered for the offences punishable under Sections 323, 324, 420 and 506 read with Section 34 I.P.C. in F.I.R.No.43, dated 23-05-2015.

The main contention of the learned counsel for petitioners is that the docket order is not a speaking order and the learned Magistrate mechanically referred the

matter without following the procedures as envisaged in the decision of the Apex Court in *Priyanka Srivastava & Another v. State of U.P. & Others* ^[1].

Considering the facts and circumstances of the case, this Court is inclined to quash the said F.I.R.

Accordingly, the Criminal Revision Case is allowed quashing the

F.I.R. No.43, dated 23-05-2015, registered on the basis of the said order. The matter is remitted to the Additional Judicial First Class Magistrate, Markapur to pass appropriate orders after perusal of the complaint.

Miscellaneous petitions pending in this revision, if any, shall stand closed.

JUSTICE RAJA ELANGO

29th October, 2015.

skmr

^[1] (2015) 6 SCC 287