

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.01.2016

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

CrI.R.C.No.123 of 2016

S.Ravi Kumar

.. Petitioner

vs.

1. Thiru.Selvaraj
Inspector of Police
Sirumugai Police Station
Mettupalayam

2. The Inspector of Police (L&O)
Kothagiri Town Police Station
Kotharigi

.. Respondents

Criminal Revision filed under sections 397 (1) and 401 of Criminal Procedure Code to call for the records on the file of C.C.C.F.R.No.854 of 2014 dated 18.09.2015 on the file of the Chief Judicial Magistrate, Ootacamund and set aside the order and pass appropriate order direct the Chief Judicial Magistrate, Ootacamund, the Nilgiri to take C.C.C.F.R.No.854 of 2014.

For Petitioner : Mr.C.Kulanthaivel

For Respondents: Mr.C.Iyyapparaj

Government Advocate (CrI.Side)

सत्यमेव जयते
O R D E R

This revision is preferred against the order of learned Chief Judicial Magistrate, Ootacamund, passed in C.C.C.F.R.No.854 of 2014 dated 18.09.2015.

2. The petitioner herein filed a complaint under Section 218 of the Indian Penal Code r/w. Section 200 Cr.P.C against one Selvaraj, the then Inspector of Police alleging that when he held the said post, he conducted impartial investigation in a case filed by his client Mrs.Vimalakrishnamurthy and filed a false final report in Cr.No.126 of 2013 to save the accused and thereby committed the offence punishable under Section 218 IPC.

3. Heard learned counsel for petitioner and learned Government Advocate (Cr1.side).

4. The trial Court has dismissed the said complaint on the reasoning that it cannot entertain such complaint as it is against the decision of this Court in 2012 (2) MWN (Cr.) 101 [Karuppa Gounder Vs.D.Sekar and others] and the complaint under Section 218 has to be tried only by the Judicial Magistrates. It further held that an advocate has to explain as to on what basis he files the complaint under Section 200 Cr.P.C on behalf of his client. This Court does not find any error in the reasoning of the Court below.

Accordingly the criminal revision petition is dismissed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

gpa

To

1.The Chief Judicial Magistrate
Ootacamund

2.The Public Prosecutor
Madras High Court, Madras

+1 cc to Mr.C.Kulanthaivel Advocate sr.5686

सत्यमेव जयते

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