

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.09.2016

Coram

THE HONOURABLE MR. JUSTICE G.CHOCKALINGAM

Cr1.R.C.No.309 of 2016

Venkatkumarraja

.. Petitioner/Petitioner

Vs

1. Dhanasekaran
2. Lakshmi
3. Nachimuthu
4. Chelladurai
5. Krishnasamy
6. Subramani
7. Raju @ Murugesan
8. Jayammal @ Jaya Murugesan

9. The Inspector of Police
Tiruppur Rural Police Station
Tiruppur.

..Respondents/Respondents

Prayer :-Criminal Revision Petition filed under Section 397 r/w 401 of Cr.P.C., to call for the records pertaining to the order dated 09.01.2015 made in C.M.P.No. 4149 of 2014 on the file of Judicial Magistrate-II, Tiruppur and set aside the same and consequently direct the Judicial Magistrate -2, Tiruppur to take cognizance, after register FIR against the respondent.

For Petitioner : Mr.T.Ganesan

For Respondents : No appearance

ORDER

The criminal revision petition is directed against the order dated 09.01.2015 made in C.M.P.No. 4149 of 2014 passed by the learned Judicial Magistrate-II, Tiruppur.

2. Heard the learned counsel for the petitioner. There is no representation on behalf of the respondents.

3. The Petitioner filed a private complaint before the learned Judicial Magistrate No.II, Tiruppur under Section 156(3) Cr.P.C and the same was taken on file in C.M.P.No. 4149 of 2014

and the said complaint was forwarded by the learned Magistrate to the Inspector of Police, Tiruppur Rural Police Station, Tiruppur. On 09.01.2015 the learned Judicial Magistrate No.II, Tiruppur, closed the petition to the effect that :

"Perused records. This petition was forwarded to the Inspector of Police, Rural P.S and in turn sent to CCB, Tiruppur and Inspector filed report as mistake of facts. Recorded. Petition is closed."

4. The order of the learned Judicial Magistrate No.II, Tiruppur, reveals that the complaint of the petitioner has already been investigated by the police and the same was closed as mistake of fact. In view of the above, there is no necessity to forward the same complaint to the Investigating Officer for fresh investigation.

5. This Court finds no illegality or infirmity in the order passed by the learned Judicial Magistrate No.II, Tiruppur and the same does not warrant any interference by this Court.

6. In the result, the Criminal Revision Case stands dismissed with liberty to the petitioner to file appropriate complaint as per the code of Criminal Procedure. If any complaint has been preferred by the petitioner, the learned Magistrate is directed to dispose of the same in accordance with law.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

To

1. The Judicial Magistrate No.II,
Tiruppur.
2. The Chief Judicial Magistrate,
Tiruppur.
3. The Inspector of Police
Tiruppur Rural Police Station
Tiruppur.

4. The Public Prosecutor,
High Court, Madras

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