

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.11.2016

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

CrI.R.C.No.417 of 2016

P.T.Loganathan

.. Petitioner/Complainant

vs.

1.S.Prabhakar

2.M.G.Jayakumar

3.R.Mohan

4.C.P.Chakravarthy

.. Respondents

Criminal Revision filed under Section 397 and 401 Cr.P.C. to set aside the order dated 03.12.2015 made in C.F.R.No.8240 of 2015 on the file of the Judicial Magistrate Court No.II, Erode and to allow the above Criminal Revision Petition and direct the Learned Magistrate to take the complaint on file and proceed in accordance with the law.

For Petitioner:M/s.C.Prabakaran

For Respondent:Mr.M.Rajamathivanan- R3

No. appearance for R1, 2 and 4

ORDER

Petitioner challenges the order of learned Judicial Magistrate II, Erode, passed in C.F.R.No.8240 of 2015 on 03.12.2015, wherein he had complained of officials failing to perform their duty of removing encroachments.

2. Heard learned counsel for petitioner and learned counsel for respondent.

3. The order under challenge reads as follows:

Therefore, the reasons stated above, this Court is of the considered view that since sanction under section 197 Cr.P.C. is mandatory and no sanction has been obtained, this complaint is not maintainable and hence rejected.

4. Learned Government Advocate (Crl.Side) submits that the ground reality is that the encroachments have been removed. Learned counsel for petitioner does not inform otherwise.

5. In the aforesaid circumstances, this Court finds no reason to interfere with the order under challenge.

6. This Criminal Revision is dismissed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

The Judicial Magistrate Court No.II,
Erode.

+1cc to Mr.M. Raja Mathivanan, Advocate, S.R.No.65990
+1cc to Mr.C. Prabakaran, Advocate, S.R.No.66046

NMI (CO)
EU 17.2.17

Cr1.R.C.No.417 of 2016

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