



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2016

CORAM

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THE HONOURABLE DR.JUSTICE S.VIMALA

CrI.O.P.(MD) .No.8744 of 2016
and CRL MP(MD)No.4260 of 2016

Alfred

... Petitioner

-Vs-

1.State represented by
the Inspector of Police,
Murappanadu Police station
Thoothukudi District.

2.Arulmathi Yesuvadial

... Respondents

Petition filed under Section 482 of the Code of Criminal Procedure to call for the records in Cr.M.P.No.4598 of 2016 on the file of the learned Judicial Magistrate, Srivaigundam, Thoothukudi District and set aside the order dated 06.05.2016.

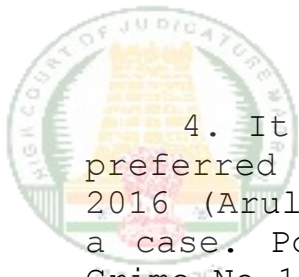
For Petitioner : Mr.A.Thiruvadikumar
For Respondents : Mr.A.P.Balasubramani for R1
Government Advocate (CrI.Side)

ORDER

This petition has been filed seeking to set aside the order dated 06.05.2016 in Cr.M.P.No.4598 of 2016 on the file of the learned Judicial Magistrate, Srivaigundam, Thoothukudi District, by which the complaint of Arulmathi Yesuvadial / 2nd respondent herein was ordered to be forwarded to the Station House Officer concerned (under Section 156(3) Cr.P.C.) to register a case, investigate the same and a report to be filed on or before 08.06.2016.

2. Based on the orders, a case was registered in Crime No.123 of 2016 under Sections 147, 294(b), 465, 468, 471, 420 and 506(ii) IPC.

3. Challenging the order passed by the learned Magistrate, directing the Police to register a case, the present petition in CrI.O.P.(MD) No.8744 of 2016 has been filed.



4. It is seen that based upon the complaint dated 23.04.2016, preferred by the de-facto complainant in CrI.O.P.(MD) No.7657 of 2016 (Arulmathi Yesuvadial), direction was sought for to register a case. Pointing out that already a case has been registered in Crime No.123 of 2016, the Criminal Original petition was closed.

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5. The grievance was expressed by the learned counsel for the Intervenor in CrI.O.P.(MD) No.7657 of 2016 that when CrI.O.P.8744 of 2016 was pending, challenging the order of the learned Magistrate, the case ought not to have been registered, but has been registered.

6. As the case has already been registered, the challenge made to the order of the Magistrate has become infructuous.

7. Under such circumstances, this petition is closed, while recording the conduct of the defacto complainant in moving CrI.O.P.(MD) No.7657 of 2016 without disclosing the proceedings before the Judicial Magistrate, Srivaigundam, Thoothukudi District. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

RR/ar

To:

1.The Judicial Magistrate, Srivaikundam, Thoothukudi District

2.The Inspector of Police,
Murappanadu Police station, Thoothukudi District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to Mr.A.Thiruvadikumar, Advocate in SR.No.31849

CSL/AA1/MPA/12/7/16-2p-5c

CrI.O.P.(MD) .No.8744 of 2016
21.06.2016