

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CrI.R.C.No.298 of 2014

G.Jayaprakash

... Petitioner/Petitioner

Vs

1.Dhanabackiam
2.Kittu @ Krishnasamy
3.Rajkumar

..Respondents/Respondents

Prayer:- Criminal Revision Petition filed under Section 397 and 401 of Criminal Procedure Code praying to call for the records in CMP.No.8043/2013 on the file of the learned Judicial Magistrate I, Udumalpet, dated 12.12.2013 dismissing the petition filed under Section 156(3) of Cr.P.C, and to set aside the same.

For Appellant : Mr. M.Devaraj
For Respondents : No Appearance

ORDER

Dismissing the application filed by the petitioner under Section 156(3) of Cr.P.C, in C.M.P.No.8043 of 2013 seeking a direction to the police to take action against the respondents herein, the present Criminal Revision Petition has been filed.

2. Petitioner is a resident of Kanakampalayam Village. The first respondent was the President of the Village Panchayat, who was holding the post for the second time and the second respondent is her husband. It is alleged that the first respondent has misappropriated a huge amount of Panchayat, hence, the petitioner lodged a complaint to the Superintendent of Police and also to the Inspector of Police, Udumalpet Police Station. Since no action had been taken, the petitioner has filed the petition under Section 156(3) Cr.P.C.. The Court below dismissed the said petition, holding that there is no prima facie material available in the complaint for directing the police to conduct investigation.

3. Thereafter, the petitioner approached this court by way of writ petition, seeking a direction to the District Collector to take action against the respondents

herein, and this Court vide order dated 14.09.2012 in W.P.No.1337 of 2011, directed the District Collector to consider the petitioner's complaint on merits and in accordance with law. Now, once again the petitioner filed the present petition before this Court.

4. I have heard the learned counsel for the petitioner and perused the materials available on record.

5. Earlier the petitioner approached this Court by filing a Writ petition against the respondents herein, seeking a direction to the District Collector to consider his complaint filed against the respondents herein and this Court already passed an order directing District Collector to consider his representation and pass suitable orders. When the matter was stood there, now once again the petitioner has filed another petition before the Court below seeking a direction to investigate his complaint. It is a clear case of forum shopping. The petitioner after approaching this Court and obtained an order to the District Collector to consider his complaint, now once again cannot file another petition seeking similar relief.

6. After going through the materials available on record, the court below was of the view that there is no prima facie material available to proceed against the respondent and to order investigation by the respondent Police. I find no infirmity or illegality in the order passed by the Court below. In the result this Criminal Revision case, fails and same is dismissed.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

smi/sji

To,

1.The Judicial Magistrate I, Udumalpet.

2.The Public Prosecutor, High Court, Madras.

+1cc to Mr.M. Devaraj, Advocate, S.R.No.17531

pvs (CO)

md(27/04/2017)

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