



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.05.2017

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P. (MD) No.2802 of 2015

Thatshinamoorthy

... Petitioner/Petitioner

-vs-

1. Vellathurai

2. Muthuraj

... Respondents

Prayer: Criminal Petition filed under Article 482 of the Code of Criminal Procedure of the Constitution of India, to set aside the order of the learned Judicial Magistrate, Ambasamuthiram, Tirunelveli District dated 09.01.2015 made in Cr1.M.P.No.195 of 2015 and consequently direct the complaint filed by the petitioner to be referred to the Inspector of Police, Vickaramasingapuram Police Station for registration of the same as well as for further investigation forthwith.

For Petitioner : Mr.S.Palanivelayutham

For Respondents : No Appearance

O R D E R

The petitioner filed a petition in Cr1.M.P.No.195 of 2015 before the learned Judicial Magistrate, Ambasamudram, Tirunelveli District under Section 156(3) Cr.P.C. against the respondents 2 & 3, which was dismissed by the Magistrate on 09.01.2015, aggrieved by which, the petitioner is before this Court.

2. Heard the learned counsel for petitioner.

3. In the considered opinion of this Court, a petition under Section 156(3) Cr.P.C. per se is not maintainable. The aggrieved person may file a private complaint and on the private complaint, the Magistrate has got three options, namely, a) to dismiss it *in limine*; b) to refer it under Section 156(3) Cr.P.C. and c) to take cognizance of the offence by examining the complainant and his witnesses under Section 200 Cr.P.C. In this case, the Magistrate has adopted the first option and this Court does not find any infirmity in the order passed by the learned Magistrate, warranting interference by this Court.



4. In the result, this petition is devoid of merits and the same is accordingly dismissed with liberty to the petitioner to work out his remedy in the manner known to law.

Sd/-

Assistant Registrar(AD II)

/TRUE COPY/

WEB COPY

Sub Assistant Registrar

sm/ar

To:

The Judicial Magistrate,
Ambasamuthiram,
Tirunelveli District.

+1 cc to MR.S.PALANIVELAYUTHAM, ADVOCATE, SR NO: 55566

JAM/11.05.17/BS/SAR 3 2P-3C

Crl.O.P. (MD) No.2802 of 2015
03.05.2017