



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.07.2017

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

CrI.R.C (MD) .No.419 of 2017

WEB COPY

Selvarajdasan

... Petitioner

-Vs-

1.The Inspector of Police,
Sivanthipatti Police Station,
Tirunelveli District.

2.Vandimalaiyan

3.Manikandan

... Respondents

Prayer : Criminal Revision Case filed under Section 397 r/w 401 of the Code of Criminal Procedure, to call for records pertaining to Cr.M.P.No.1557 of 2017 on the file of the learned Judicial Magistrate No.III, Tirunelveli and set aside the order dated 05.04.2017 passed by the Judicial Magistrate No.III, Tirunelveli.

For Petitioner : Mr.R.Pon Karthikeyan

For R1 : Mr.C.Mayil vahana Rajendran
Additional Public Prosecutor

O R D E R

Dismissing the petitioner's application filed under Section 156(3) of Cr.P.C, the present criminal revision case has been filed.

2.It is a case of motor accident. Two bikes have been involved in a head on collision, in which, both the persons driving the vehicle got injured. Based on a complaint given by one injured person, a crime has been registered in Cr.No.124 of 2016, whereas the complaint given by the petitioner was not registered by the respondent police. In the above circumstances, the petitioner filed an application under Section 156(3) of Cr.P.C before the learned Judicial Magistrate No.III, Tirunelveli. After considering the materials available on record, the learned Magistrate dismissed the petition, stating that already a crime has been registered. Hence, the complaint given by the petitioner cannot be registered. Now, challenging the same, the present revision has been filed.

3.I have heard Mr.R.Pon Karthikeyan, learned counsel appearing for the petitioner and Mr.C.Mayilvahana Rajendran, learned Additional Public Prosecutor, appearing for the first



respondent and perused the records carefully.

4. Admittedly, there is a case and counter case and on the complaint given by one injured person, a crime has been registered. In the above circumstances, the respondent police cannot refuse to register the complaint given by the petitioner, who was also injured in the same occurrence. In the nature of case and counter, the respondent Police is expected to register both the cases and conduct the investigation. In the above circumstances, the impugned order passed by the court below is liable to be set aside.

5. In the result, the impugned order, dated 05.04.2017 is set aside. The respondent Police is directed to register the complaint given by the petitioner and conduct investigation in both the cases. This Criminal Revision Petition is ordered accordingly.

Sd/-

Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.III,
Tirunvelveli.
2. The Inspector of Police,
Sivanthipatti Police Station,
Tirunelveli District.
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.Pon Karthikeyan, Advocate, SR.64145

Cr1.R.C(MD) No.419 of 2017
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VS

KK/SKN RSK/SAR1/14.07.2017/2P-5C/