



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2017

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASANCrl.R.C (MD) No.573 of 2017

P.Annadurai

... Petitioner

Vs.

1.State rep.by
The Inspector of Police,
Pasupathipalayam Police Station,
Karur District.

2.Seenivasan
3.S.Jeyanthi
4.Pappathi
5.Vanitha
6.Kumar
7.Rengasamy

... Respondents

Petition filed under Sections 397 read with 401 Cr.P.C, to set aside the order dated 27.04.2017 passed in C.M.P.No.1511 of 2017 by the Judicial Magistrate, No.I, Karur.

For Petitioner	: Mr.V.Balaji
For R - 1	: Mr.C.Mayilvahana Rajendran Additional Public Prosecutor

ORDER

Challenging the order, closing the petition filed under Section 156(3) Cr.P.C., the present Criminal Revision Case has been filed.

2.The petitioner has lodged a complaint before the first respondent against the respondents 2 to 6, which has not been enquired into. Therefore, he filed a petition before the Judicial Magistrate Magistrate No.I, Karur under Section 156(3) Cr.P.C. On receipt of the said complaint, the Judicial Magistrate No.I, Karur directed the first respondent police to conduct investigation and file a report. After completing investigation, the first respondent has filed a report before the Judicial Magistrate No.I, Karur and the Magistrate, has accepted the report and closed the complaint filed by the petitioner, without assigning any reason. Challenging the same, the present Revision has been filed.

3.As stated earlier, the learned Judicial Magistrate after receipt of the petition, directed the respondent police to investigate the complaint as per the dictum laid down by the Hon'ble Apex Court in **Lalitha Kumari vs. Govt. of U.P & others [2013 (4)**



Crimes 243 (SC) and file a report. The Investigating Officer also filed a report stating that the complaint is false and based on the said report the Judicial Magistrate has closed the petition filed by the petitioner.

4. From a perusal of the order passed by the Court below, it seems that the Judicial Magistrate did not mention anything about the nature of report filed by the police and it is also not known whether the petitioner was given copy of the report and an opportunity was given to him to raise his objection for the report. The Judicial Magistrate simply closed the complaint based on the report filed by the first respondent police, without assigning any reason and passed a cryptic and non speaking order, which is not permissible under law. In the above circumstances, the impugned order is liable to be set aside and the matter is liable to be remitted to the Court below.

5. In fine, this Criminal Revision Case is allowed and the order passed in C.M.P.No.1511 of 2017 by the Judicial Magistrate, No.I, Karur is set aside and matter is remanded back to the Judicial Magistrate No.I, Karur and the Judicial Magistrate No.I, Karur is directed to furnish a copy of the report filed by the respondent police to the petitioner and thereafter after hearing his objection, pass a detailed order by assigning reasons.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.I, Karur.

2. The Inspector of Police,
Pasupathipalayam Police Station,
Karur District.

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

4. The Chief Judicial Magistrate,
Karur District.

+1cc to Mr.V.BALAJI Advocate in SR. NO.66838

MJ

JS/SKN.RSK/SAR.2/23.08.2017/2P-6C