



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.08.2017

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THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Cr1.R.C (MD) .No.692 of 2017

K.Rajalingam

.. Petitioner/Petitioner

-Vs-

1.The Inspector of Police,
South Police Station,
Rajapalayam,
Virudhunagar District.

2.Murugaiah Pandian

3.Thangaraj

4.Pandi

5.Karuthammal

.. Respondents/Respondents

Prayer : Criminal Revision Case filed under Section 397 read with 401 of the Code of Criminal Procedure, to call for the records pertaining to the order in Cr.M.P.No.3225 of 2017, dated 18.04.2017 passed by the learned Judicial Magistrate, Rajapalayam and set aside the same.

For Petitioner : Mr.A.S.Vaigunth

For Respondent No.1 : Mr.K.S.Duraipandian
Additional Public Prosecutor

ORDER

The revision has been filed challenging the order passed by the learned Judicial Magistrate, Rajapalayam dismissing the petitioner's application filed under Section 156(3) Cr.P.C.

2. I have heard Mr.A.S.Vaigunth, learned counsel appearing for the petitioner and Mr.K.S.Duraipandian, learned Additional Public Prosecutor, appearing for the first respondent and perused the records carefully.

3. The learned counsel for the petitioner would contend that the respondents 2 to 5 herein abused the petitioner by calling his caste name and also attacked him. Hence, he gave a complaint to the Rajapalayam South Police Station on 08.30.2017. Since no action was taken, he approached the Deputy Superintendent of Police, even though no action was taken on his complaint. Hence, he filed a



petition under Section 156(3) Cr.P.C. The learned Judicial Magistrate, Rajapalayam dismissed the same on the ground that the petitioner did not produce any community certificate to show that he belongs to Scheduled Caste community as the main allegation is that the accused have abused him by calling his caste name.

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4. Today, the learned Additional Public Prosecutor appearing for the first respondent submitted that the complaint given by the petitioner was registered in CSR.No.52 of 2017 and preliminary enquiry is pending.

5. In the above circumstances, since the first respondent police is now conducting the preliminary enquiry, I am of the view that it is suffice to direct the first respondent to complete the preliminary enquiry within a time frame. Hence, this Court directs the first respondent to complete the preliminary enquiry within a period of four weeks from the date of receipt of the copy of this order.

6. With the above direction, this Criminal Revision Case is disposed of.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1.The Judicial Magistrate,
Rajapalayam.

2.The Inspector of Police,
South Police Station,
Rajapalayam,
Virudhunagar District.

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

+1cc to Mr.G.KARUPPASAMY PANDIYAN Advocate in SR. No.76338

+1cc to Mr.G.THALAI MUTHUARASU Advocate in SR. No. 76571

PJL

JS/SV.MMS/SAR.1/8.9.2017/2P-6C

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