

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP.No.18733 of 2018

S.Radhakrishnan

... Petitioner

Vs

- 1.The State Rep. by
The Deputy Commissioner of Police
T.Nagar, Chennai.
- 2.The State Rep. by
The Assistant Commissioner of Police
Valasaravakkam Range
Valasaravakkam
Chennai.
- 3.The State Rep. by
The Inspector of Police
R-9, Valasaravakkam Police Station
Valasaravakkam
Chennai.

...Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., seeking a direction to the learned Judicial Magistrate No.I, Poonamalle to take on file the petition under Section 156(3) Cr.P.C filed by the petitioner dated 16.07.2018 and enquire the matter in fair manner.

For Petitioner : Mr.S.Jaya Pradap Babu

For Respondents: Mr.C.Raghavan
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking a direction to the Judicial Magistrate No.I, Poonamalle, to take on file the petition under Section 156(3) Cr.P.C filed by the petitioner dated 16.07.2018.

2. The petitioner filed a petition under Section 156(3) Cr.P.C. before the Judicial Magistrate No.1, Poonamalle. The Judicial Magistrate has returned the petition on 20.07.2018 seeking two clarifications viz., (1) inadequate Court stamp and (2) raising a question whether the petition is maintainable in the light of the directions given by the High Court in Crl.OP.No.9910 of 2018 dated 28.03.2018. The

petitioner has represented the petition without giving proper explanation for Query No.2.

3. Under such circumstances, no direction as prayed for by the petitioner can be granted. It is open to the petitioner to give satisfactory explanation for Query No.2 and thereafter, the Judicial Magistrate No.I, Poonamallee, shall follow the law laid down by the Supreme Court in Priyanka Srivastava and another Vs State of U.P. and others [2015 [3] CTC 103] and pass orders in accordance with law, if the petition discloses the commission of cognizable offence.

With the above direction, this petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate No.I,
Poonamallee.
2. The Deputy Commissioner of Police
T.Nagar, Chennai.
- 3.The Assistant Commissioner of Police
Valasaravakkam Range
Valasaravakkam
Chennai.
- 4.The Inspector of Police
R-9, Valasaravakkam Police Station
Valasaravakkam
Chennai.

- 5.The Public Prosecutor
High Court, Madras.

+ 1 cc to MR. D. Senthilkumar, Advocate Sr.49824

Cr1.OP.No.18733 of 2018

(CS-VI)
EU(03/08/2018)