



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2018

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P. (MD)No.1099 of 2018

WEB COPY

Packianathan

... Petitioner

-vs-

1.Arumainayagam Samraj

2.Jeevakumar

3.Packiyaraj

4.Durai

5. Sabapathi

Inspector of Police,

Taluk Police Station,

Tirunelveli.

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the learned Judicial Magistrate No.III, Tirunelveli to dispose of the Private Complaint filed by the petitioner in Cr.M.P.No.1962 of 2016, within the period that may stipulated by this Court.

For Petitioner

: Mr.R.Gandhi

For 5th Respondent

: Mr.Prabu Ramachandran

Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to direct the learned Judicial Magistrate No.III, Tirunelveli to dispose of the private complaint filed by the petitioner in Cr.M.P.No.1962 of 2016, within the period that may be stipulated by this Court.

2.The learned counsel appearing for the petitioner has submitted that on 11.11.2015, the first to fourth respondents damaged the fence erected by the petitioner and also criminally intimidated by using filthy language and hence the petitioner has lodged a complaint before the Inspector of Police, Taluk Police Station, Tirunelveli and based on the said complaint a case has been registered in Crime No.300 of 2015 under Sections 294(b), 506 (ii) of I.P.C., and Section 3 of TNPPDL Act. He further submitted that the Inspector of Police without conducting proper investigation in collusion with the accused person has referred the case as Mistake of Fact and hence the petitioner has filed a private complaint before the learned Judicial Magistrate No.III, Tirunelveli and the same was taken on file in Cr.M.P.No.1962 of 2016. He further submitted that on 18.05.2016 itself the sworn statement of the petitioner and two other witnesses have been recorded. But, thereafter no progress has been made and hence he



has requested this Court to give a suitable direction to the learned Judicial Magistrate No.III, Tirunelveli, to dispose of the said private complaint at early.

3.The Diary Extract produced by the petitioner shows that on 18.05.2016, the sworn statement of the complainant and the statement of witnesses one to three were recorded. Thereafter on 30.05.2016, further proceedings of the private complaint in Cr.M.P.No.1962 of 2016 were stayed under Section 210 Cr.P.C. and called for report in Crime No.300 of 2015. On 19.08.2016, the report received from the Inspector of Police in connection with the Crime No.300 of 2015 and thereafter the case was periodically adjourned for orders and clarification. Finally, on 17.11.2017 the learned Judicial Magistrate No.III, Tirunelveli has passed an order stating that on perusal of the complaint, it was found that the offence under Section 3 of TNPPDL Act is attracted and hence it was posted for enquiry under Section 202 Cr.P.C.,

4.Considering the aforesaid facts, the learned Judicial Magistrate No.III, Tirunelveli is directed to expedite the enquiry and dispose of the private complaint filed by the petitioner in accordance with law within a period of one month from the date of receipt of a copy of this order.

5.With the aforesaid directions, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate No.III,
Tirunelveli.
2. Thro The Chief Judicial Magistrate, Tirunelveli.
3. The Inspector of Police,
Taluk Police Station,
Tirunelveli.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High court, Madurai.

+1cc to Mr.R.Gandhi, Advocate Sr.No.44118

SSS

VB/MR/SAR4/14.02.2018/2P/6C

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