



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 29.10.2018
CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P. (MD) No.14150 of 2017

WEB COPY

Aathimuthu Manoharan

... Petitioner

Vs.

1.State Represented by
The Sub Inspector of Police,
Tiruchendur Police Station,
Tiruchendur.

2.Jothirajapandian
3.Sri Renga Nathathan
4.Srilinga Kalpana
5.Selvi
6.Christina Ashwini
7.Ajai Sairam
8.Selvaraj
9.Thirisangu
10.Karunakaran

... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C., praying to set aside the docket order in S.R.No.9927/17 passed in the petitioner's complaint by the learned Judicial Magistrate, Tiruchendur dated 21.09.2017 and consequently, direct the Judicial Magistrate, Tiruchendur to take cognizance of the petitioner's complaint dated 14.09.2017.

For Petitioner	: Mr.Antony S.Prabahar
For R1	: Mr.K.Suyambulinga Bharathi, Government Advocate (Crl.Side)
For R2 to R9	: No Appearance

ORDER

This Criminal Original Petition has been filed, challenging the order of the learned Judicial Magistrate, Tiruchendur, returning the petition filed by the petitioner under Section 156(3) Cr.P.C., to register the First Information Report, based on the complaint given by the petitioner.

2.The learned Judicial Magistrate, Tiruchendur, had returned the complaint only on the ground that this Court has already passed an order in Crl.O.P.(MD)No.3546 of 2016, dated 09.03.2016.

3.The learned counsel appearing for the petitioner would submit that this Court had passed an order, directing the respondent police to conduct an enquiry on the complaint lodged by the petitioner and take action in accordance with law.



4. According to the learned counsel appearing for the petitioner, even though the complaint made out cognizable offence, the respondent police closed the complaint. Therefore, the petition filed before the learned Judicial Magistrate Tiruchendur, under Section 156(3) Cr.P.C. Therefore, according to the petitioner, the learned Judicial Magistrate, Tiruchendur, was not right in returning the complaint filed under Section 156(3) Cr.P.C.

5. In the facts and circumstances of the case, liberty is granted to the petitioner to file a fresh petition before the Court below under Section 156(3) Cr.P.C and the Court below shall consider the same in accordance with law and in accordance with the dictum of the Hon'ble Supreme Court of India in the case of Lalita Kumari Vs. Govt. of U.P. and others reported in 2014 (2) SCC (1).

6. In the result, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar(CS-III)

To:

1. The Judicial Magistrate,
Tiruchendur.
2. The Sub Inspector of Police,
Tiruchendur Police Station,
Tiruchendur.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC to Mr. Antony S. Prabahar, Advocate, SR.No.93249

Cr1.O.P. (MD) No.14150 of 2017
29.10.2018

MYR
ES/SKN/RSK/SAR 3/19.11.2018/2P/5C