



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD)No.14597 of 2016

and

Crl.M.P.No.8306 of 2016

G.Ramadoss

... Petitioner

-Vs.-

1. The Commissioner of Police,
Madurai City,
Madurai - 625 002.

2. The Superintendent of Police,
Vigilance and Anti Corruption,
Raja Annamalaipuram,
Chennai - 600 028.

3. The Assistant Commissioner of Police,
Tallakulam (Crime),
Madurai - 625 002.

4. The Inspector of Police,
Tallakulam (Crime) Police Station,
Madurai - 625 002.

... Respondents

Prayer: Criminal Original Petition - filed under Section 482 of the Code of Criminal Procedure, to direct the respondents to register the petitioner's complaint as an FIR, on the basis of the direction given by the learned Judicial Magistrate No.I, Madurai vide its order dated 27.07.2015 in Crl.M.P.No.2581 of 2015 within the time stipulated by this Court.

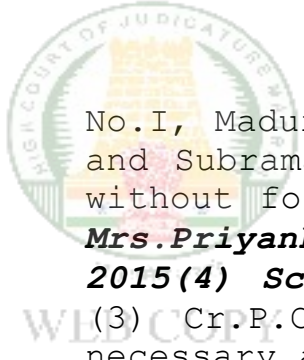
For Petitioner : M/S.P.Kalaiyarasi Bharathi

For Respondents : Mr.C.Mayilvahana Rajendran
Additional Public Prosecutor

O R D E R

M/s.T.Suriyakala, Inspector of Police, Vigilance and Anti Corruption, Madurai is present.

<https://hcservices.ecourts.gov.in/hcservices/> petitioner filed Cr.M.P.No.2581 of 2015 under Section 156 (3) Cr.P.C. before the learned Judicial Magistrate



No.I, Madurai making certain allegations against one Jesu Jeyapaul and Subramanian. The learned Judicial Magistrate No.I, Madurai, without following the procedure laid down by the Supreme Court in **Mrs.Priyanka Srivastava and another Vs. State of U.P.** reported in **2015(4) Scale 120** has forwarded the complaint under Section 156 (3) Cr.P.C. to the Commissioner of Police, Madurai for taking necessary action.

3. In the opinion of this Court, the Commissioner of Police, Madurai is not a Station House Officer as defined under the Code. However, the complaint was forwarded by the Commissioner of Police, Madurai to N.Harish, I.P.S., Assistant Commissioner of Police (Crime Branch), Madurai, for enquiry. The Assistant Commissioner of Police, N.Harish, I.P.S., has conducted a thorough enquiry and has closed the case by proceedings dated 10.10.2015 on the ground that the complainant is seeking to wreck-vengeance against the said Subramanian and Jesu Jeyapaul, since they had taken action against him.

4. A copy of the closure report is furnished to the learned counsel for the petitioner across the bar. This Court perused the complaint petition in Cr.M.P.No.2581 of 2015 and also the report of enquiry dated 10.10.2015 and this Court is satisfied that the complainant has not made out a case for registering FIR against the said two persons.

5. In such view of the matter, this criminal original petition is devoid of merits and accordingly, the same is dismissed. Consequently, the connected Miscellaneous petition is dismissed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner of Police,
Madurai City,
Madurai - 625 002.
2. The Superintendent of Police,
Vigilance and Anti Corruption,
Raja Annamalaipuram,
Chennai - 600 028.

3. The Assistant Commissioner of Police,
Tallakulam (Crime), Madurai - 625 002.



4. The Inspector of Police,
Tallakulam (Crime) Police Station,
Madurai - 625 002.

5. The Judicial Magistrate No.I,
Madurai.

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

+ 1 cc TO Mr.T.Lajapathi Roy , Advocate in SR No. 40406

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AE/JC/SAR1/09.02.2018/3P/8C

Cr1.O.P.(MD)No.14597 of 2016
04.01.2018