



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 04.06.2018

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE R. THARANI

Crl. R.C. (MD) No. 260 of 2018

Soundararajan

.. Petitioner

Vs.

1. Anwar Badsha
2. Alim

3. The Inspector of Police,
Mathur Police Station,
Pudukottai District.

.. Respondents

Prayer : This criminal revision case is filed under Sections 397 and 401 of Cr.P.C., to call for the records pertaining to the docket order passed in R.No.3779 of 2017 dated 08.09.2017 on the file of the learned District Munsif cum Judicial Magistrate, Keeranur and set aside the same as illegal.

For Petitioner : Mr.K.Sivabalan

For 3rd Respondent : Mr.K.Suyambu Linga Bharathi,
Government Advocate (Crl. Side)

ORDER

Heard Mr.K.Sivabalan, learned counsel appearing for the petitioner and Mr.K.Suyambu Linga Bharathi, learned Government Advocate (Crl. Side) appearing for the third respondent.

2.This revision has been filed to set aside the docket order passed in R.No.3779 of 2017 dated 08.09.2017 on the file of the learned District Munsif cum Judicial Magistrate, Keeranur.

3.On the side of the petitioner, it is stated that the petitioner has filed a petition under Section 156(3) Cr.P.C., and the same was ordered by the learned Judicial Magistrate. The respondent police, instead of registering the FIR, has filed only a report stating that the complaint is false. On the basis of the report, the learned Judicial Magistrate closed the petition on 08.09.2017. Against the order, the petitioner has filed this criminal revision case. It is stated that the order passed by the learned Judicial Magistrate is illegal as no FIR is registered by



the respondent police and prayed that the order of the lower Court has to be set aside.

4. On the side of the respondent, it is stated that the Court has instructed to enquire into the matter and to file a report and the respondent police complied with the order properly and after examining some private witnesses, the respondent police had filed the report.

5. Records perused. The learned Judicial Magistrate has passed an order in R.No.3779 of 2017 dated 08.09.2017, forwarding the complaint for investigation under Section 156(3) Cr.P.C., and directed to file a report. It is the duty of the respondent police to register FIR as soon as the complaint is forwarded to them. Only after registering the FIR, the respondent can initiate investigation. In this case without registering FIR, the respondent investigated the matter and filed a report, which is wrong. The learned Judicial Magistrate has closed the petition on the basis of such report. Hence, the impugned order is set aside and the matter is remanded back to the lower Court for disposal in accordance with law. The respondent police is hereby directed to take up the matter for investigation after registering the FIR.

6. With the above reasons, this Criminal Revision Case is allowed.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The District Munsif cum Judicial Magistrate,
Keeranur.
2. The Inspector of Police,
Mathur Police Station,
Pudukottai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.K.SIVABALAN, ADVOCATE IN SR No. 66625

MRN

TE/PN/SAR-4 : 03/07/2018 : 2P/5C