



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.09.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P. (MD) No.21972 of 2016

R.Raja Selvaraj

... Petitioner

-Vs-

1.A.Jeyapaul

2.N.Murugasan

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to set aside the order, dated 27.07.2016 in Cr.M.P.No.2027 of 2016 on the file of the Judicial Magistrate No.IV, Madurai and consequently direct the Judicial Magistrate No.IV, Madurai, to take cognizance of the offences made in the complaint dated 30.06.2016 filed by the petitioner.

For Petitioner : Mr.S.Sankar

For Respondents : Mr.T.Lajapathi Roy for R1

#### ORDER

This petition has been filed by the petitioner challenging the order of the Court below not to take the cognizance of the private complaint filed by the petitioner under Section 200 of Cr.P.C.

2.The sum and substance of the allegations that have been made in the complaint is with regard to the false and fabricated documents that were produced and the false statements that were made in the Writ petition Nos.4124 of 2007 and 5564 of 2007 before this Court and also before the Revenue Divisional Officer, Madurai and Tahsildar, Madurai North Taluk.

3.The court below has considered the entire case and has held that it has no jurisdiction to take the complaint on file., in view of the bar under Section 195 of Cr.P.C., since alleged offence has been committed in the course of judicial proceedings. The Court below therefore found it fit to return back the entire complaint and directed the petitioner to institute a complaint before the appropriate Court.

4.It is clear on a reading of the complaint that the petitioner is aggrieved by certain offences committed by the respondents during the course of proceedings before this Court in two writ petitions. Therefore, the petitioner should have filed a complaint only before this Court by virtue of the provisions of Section 195 of Cr.P.C and the procedure contemplated under Section 340 of Cr.P.C should have been followed by the petitioner. Instead, the petitioner chose to file a private complaint before the learned Judicial Magistrate who has rightly returned the complaint.



5. This Court does not find any illegality or infirmity in the order passed by the Court below. Even now it is left to the petitioner to work out his remedy before this Court in accordance with Section 195 of Cr.P.C r/w 340 of Cr.P.C.

6. Accordingly, this Criminal Original Petition is dismissed.

Sd/

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar (CS-II)

To

The Judicial Magistrate No.IV, Madurai.

+1cc to Mr.T.Lajapathi Roy, Advocate, SR.No. 81974

+1cc to Mr.S.SANKAR, Advocate, SR.No.82084

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