



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE: 06.06.2019

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.(MD).No.6652 of 2018

WEB COPY

V. Solairaj ... Petitioner/Defacto Complainant

-Vs-

1. The Inspector of Police,
Aruppukottai Town Police Station,
Virudhunagar District. ...Respondent/Complainant

2. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

3.R.Pangajavalli

4.Ramachandran

5.Rajkumar

6.R.Subhashini

7.Gopalakrishnan

8.Perunali S.Velusamy

9.V.Paluchamy

10.R.Ramanathan

11.G.Jayaraman

12.G.Parasuraman ... Respondents/Proposed Accused

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to set aside the order passed by the learned Judicial Magistrate, Aruppukottai in Cr.M.P.No.1447 of 2019 on 11.03.2019 and direct the first respondent to register the F.I.R on the basis of the complaint given by the petitioner, on 13.07.2018 and investigate and file a final report.

For Petitioner : Mr.C.Pandarasamy

For R1 & R2 : Mr.K.Suyambulinga Bharathi

O R D E R

The Criminal Original Petition has been filed seeking to set aside the order passed by the learned Judicial Magistrate, Aruppukottai in Cr.M.P.No.1447 of 2019, dated 11.03.2019, directing the first respondent to conduct a preliminary enquiry on the complaint filed by the petitioner under Section 156 (3) of Cr.P.C., and during the enquiry, if any cognizable offence is made out, the first respondent shall register a case and conduct investigation in accordance with law.

2. When the matter is taken up for hearing today, the learned Government Advocate (Crl.side) appearing for the respondents 1 and 2 would submit that pursuant to the order passed by the learned Judicial Magistrate, Arupukotti, a preliminary enquiry has been conducted on the complaint filed by the petitioner and it has been closed by the first respondent on the ground that the alleged death taken place at Karnataka and no cause of action arises at the jurisdiction of the first respondent. Hence, the first respondent cannot proceed with the investigation further and filed a report before the learned Judicial Magistrate, Arupukottai.

3. Pursuant to the order passed by the learned Judicial Magistrate, Arupukottai, the preliminary enquiry has been conducted and the report has also been filed before the learned Judicial Magistrate, Arupukottai. If at all the petitioner has any grievance against the report filed by the first respondent, it is always open to him to agitate the same before the concerned Magistrate in the manner known to law.

4. With the above observation, the Criminal Original Petition is closed.

Sd/-

Assistant Registrar (CS-II)

/ True Copy /

Sub Assistant Registrar(CS-)

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To

1. The Judicial Magistrate, Aruppukottai,
Virudhunagar District.

2. The Inspector of Police,
Aruppukottai Town Police Station,

<https://hcservices.ecourts.gov.in/hcservices/>
Virudhunagar District.



3. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

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

+1 CC to M/s.C.PANDARASAMY, Advocate

(SR-67352[F] dated 07/06/2019)

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06.06.2019

ES/18.06.2019/3P/6C