



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CRL.O.P.(MD) .No.9420 of 2019

Ganesan : Petitioner

Vs.

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

2.The Sub Inspector of Police,
Thiruchuli Police Station,
Virudhunagar,
Virudhunagar District.

3.Rajagopal

4.Latha : Respondents

PRAYER: Petition is filed under Section 482 of Criminal Procedure Code praying to set aside the return order dated 06.05.2019 passed by the Special Court [Principal District and Sessions Judge, (PCR Court)] and direct the second respondent to register FIR based on the complaint dated 28.03.2019 given by the petitioner.

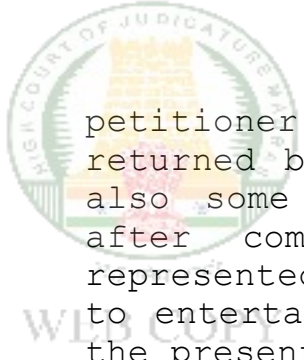
For Petitioners : Mr.S.Poornachandran

For R1 & R2 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

ORDER

This petition has been filed to set aside the order, dated 06.05.2019 passed by the Special Court [Principal District and Sessions Judge, (PCR Court)] consequently to direct the second respondent to register FIR based on the complaint dated 28.03.2019 given by the petitioner.

2. The grievance of the petitioner is that he has filed an application under Section 156 (3) Cr.P.C., before the Special Court [Principal District and Sessions Judge, (PCR Court)], seeking direction to the Inspector of Police, Thiruchuli Police Station to conduct investigation on the



petitioner's complaint dated 28.03.2019. The said petition was returned by the learned Magistrate seeking certain documents and also some other clarification. According to the petitioner, after complying with all the requirements, the petitioner represented the same, but the learned Magistrate is not inclined to entertain the said petition. Hence, the petitioner has filed the present petition.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the official respondents.

4. On a perusal of the records, it could be seen that the lower Court has returned the petition filed by the petitioner under Section 156(3) Cr.P.C., on the ground that the petitioner has failed to submit the community certificate of the petitioner as well as the private respondents. Admittedly, the petitioner did not produce the community certificate in respect of the respondent as the complaint has been lodged under the Provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act). It is the settled preposition of law that if an application under Section 156(3) Cr.P.C., is filed, the petitioner is bound to produce all the necessary documents enabling the concerned Court to apply its mind and issue necessary direction. In the absence of any material, the Court would not be in a position to consider the application. Hence, the trial Court has rightly returned the paper. I do not find any illegality or irregularity in the order passed by the lower Court returning the application of the petitioner. Accordingly, this Criminal Original Petition is dismissed. However, this Court directs the petitioner to comply with all the requirements of the trial Court and represent the same.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)



To

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

2. The Sub Inspector of Police,
Thiruchuli Police Station,
Virudhunagar,
Virudhunagar District.

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

+1 CC to M/s.S.POORNACHANDRAN, Advocate (SR-73366[F] dated 04/07/2019)

TS(16.07.2019) 3P 5C

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04.07.2019