



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.10.2019

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WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHANCRL.O.P.(MD)No.11686 of 2015

P.Arumugam

... Petitioner/Petitioner/
Complainant

Vs.

1. R.Matheshwaran

... Respondent/Respondent/
Accused2. The Inspector of Police,
Tiruchendur Temple Police Station,
Thoothukudi District.... Respondent/Respondent/
Respondent

PRAYER : Criminal Original petition is filed under Section 482 of Cr.P.C., to call for the entire records pertaining to the order passed by the learned Judicial Magistrate, Tiruchendur, Thoothukudi District in Cr.M.P.No.4892 of 2015 vide his order dated 12.06.2015 and set aside the same and consequently direct the above said learned Magistrate to forward the above said complaint to the Inspector of Police, Tiruchendur Temple Police Station, Thoothukudi District. Under Section 156(3) of Cr.P.C. so as to register First Information Report.

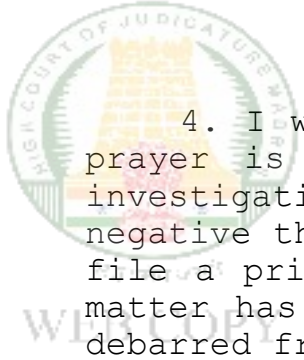
For Petitioner	: Mr.R.Anand
For R-2	: Mr.A.Robinson, Government Advocate(Crl. Side).
For R-1	: Mr.P.Samuel Gunasingh

ORDER

The petitioner filed a petition before the Judicial Magistrate, Thiruchendur, seeking a direction under Section 156(3) of Cr.P.C.

2. The learned Judicial Magistrate by the impugned order rejected the said prayer and went to the extent of observing that the dispute is purely civil in nature and that no case was made out for police investigation.

3. Challenging the said order, this criminal original petition has been filed.



4. I went through the prayer made in C.C.No.4892 of 2015. The prayer is a limited one. The petitioner had only sought police investigation. It was open to the learned trial Magistrate to negative the said request. But then, the right of the petitioner to file a private complaint cannot be foreclosed. In this case, the matter has been dealt with in such a manner that the petitioner is debarred from filing a private complaint.

5. Therefore, I am of the view that even while sustaining the order impugned in this criminal original petition, it is made clear that the petitioner is at liberty to file a private complaint, if he is so advised. It is further clarified that grant of liberty to file a private complaint will not mean that this Court has expressed any opinion on the merits of the matter. As and when the private complaint is filed, it will be dealt with entirely on merits and in accordance with law.

6. With this observation and liberty, this criminal original petition is dismissed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

pmu

To

1. The Judicial Magistrate,
Tiruchendur, Thoothukudi District.
2. The Inspector of Police,
Tiruchendur Temple Police Station,
Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
4. The Section Officer, Criminal Section, (2 copies)
Madurai Bench of Madras High Court, Madurai.

CRL.O.P. (MD) No.11686 of 2015

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