



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD) No.12115 of 2015

D.Prabudoss

... Petitioner/Petitioner

Vs

1.The State of Tamil Nadu,
represented by Inspector of Police,
Town Police Station, Aruppukottai,
Virudhunagar District.

2.M.V.A.M.Sudakar

3.Kanagaraj

4.Jaiganesan

5.Baskaran

6.Saravanan

... Respondents/Proposed Accused

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to call for the records relating to the orders passed by the learned Judicial Magistrate, Aruppukottai in Cr.M.P.No.1039 of 2015, dated 01.04.2015 and set aside the same and consequently, direct a fair investigation by any other investigating agency or office other than first respondent police in respect of the petitioner's complaint dated 27.12.2014.

For Petitioner : Mr.N.Dilip Kumar

For R1 : Mr.A.Robinson

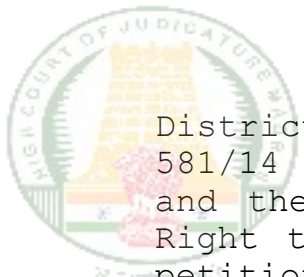
Government Advocate (Crl.side)

For R2 to R6 : Mr.AV.ARun

ORDER

The petitioner lodged a complaint before the Judicial Magistrate, Aruppukottai and sought issuance of a direction under Sections 156(3) of Cr.P.C. The learned Magistrate, by the impugned order dated 01.04.2015, dismissed the petition in the following terms.

"Petitioner present. Heard. Status report filed by the Inspector of Police, Aruppukottai Town Police Station. It is perused. From the report, it is seen that as per the complaint of the petitioner dated 27.12.2014, an enquiry has been conducted by the Inspector of Police, Aruppukottai Town Police Station and the same was closed. The report contains copies of letter of the petitioner's wife, Tmt.Vijayalakshmi and resolution of trust and the representation sent by the



District. As per the report, a petition was given as kD vz;; 581/14 to the complaint and the same was closed on 01.01.2015 and the same was also received by the petitioner by way of Right to Information Act. Further, in this application, the petitioner is not specific as to what cognizable offence has been committed. Hence, on any account, this Court is not inclined to order any investigation under Section 156(3) of Cr.P.C. The petitioner is at liberty to file private complaint if permitted under law."

Questioning the same, this criminal original petition has been filed.

2. Heard the learned counsel on either side.

3. Even according to the petitioner, the occurrence had taken place on 04.01.2013. The complaint in question was filed only in January 2015. As rightly observed by the learned Magistrate, there is nothing on record to indicate that the complaint was given before the local police station in the first instance. In any event, the right of the petitioner to prefer a private complaint has been preserved. The learned Magistrate was justified in dismissing the petitioner's petition. It does not call for any interference. Hence, this criminal original petition stand dismissed.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

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To

1. The Judicial Magistrate, Aruppukottai.

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

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

+1CC TO MR.A.V.ARUN, Advocate Sr. No. 98709

+1CC TO MR.N.DILIPKUMAR, Advocate Sr. No.98516

CrI.O.P(MD)No.12115 of 2015
13.11.2019

GKG(CO)

TR(06.12.2019)2P 6C