



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P (MD) No.17714 of 2019

K.Mathivanan

... Petitioner

Vs

The Sub Inspector of Police,
District Crime Branch,
Pudukottai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to set aside the order passed by the Judicial Magistrate No.2, Pudukottai in R.No.1850/2017 dated 21.06.2018.

For Petitioner : Mr.K.N.Govardhanan

For Respondents : Mr.K.Suyambulinga Bharathi,
G.A., (Crl. Side)

O R D E R

This petition has been filed to set aside the order passed by the Judicial Magistrate No.2, Pudukottai in R.No.1850/2017 dated 21.06.2018.

2.On the complaint lodged by the petitioner before the Judicial Magistrate No.2, Pudukkottai, the learned Judicial Magistrate in R.No.1850 of 2017, referred the complaint to the respondent under Section 202 of Cr.P.C., for conducting enquiry. Accordingly, the respondent conducted enquiry and submitted representation and the same was accepted and the complaint has been closed.

3.The learned counsel appearing for the petitioner submitted that when the Judicial Magistrate directed to conduct enquiry on the complaint lodged by the petitioner, the respondent ought to have registered the complaint first to comply the provision of Section 154 Cr.P.C., and only thereafter, the respondent has to conduct investigation. However, without doing so, the respondent simply conducted enquiry and closed the same.

4.Considering the facts and circumstances of the case, the closure report as well as the order passed by the learned Judicial Magistrate dated 26.06.2018 in R.No.1850 of 2017 are set aside and on earlier direction issued by the learned Judicial Magistrate No.2, Pudukottai in R.No.1850 of 2017, the respondent is directed to



register the case and conduct investigation and submit a report before the learned Judicial Magistrate as early as possible.

5.With the above direction, this petition is disposed of.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

Arul

To

1. The Judicial Magistrate No.2, Pudukottai.
- 2.The Sub Inspector of Police,
District Crime Branch,
Pudukottai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CRL.O.P (MD) No.17714 of 2019
29.11.2019

VB(19.12.2019) 2P 4C