

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.11100 of 2020
and Crl.M.P.No.4550 of 2020

Manimegalai

... Petitioner/3rd Respondent

Vs.

1.The District Superintendent of Police,
Superintendent of Police Office,
Sathunacheri, Vellore District.

2.The Inspector of Police,
Katpadi Police Station,
Katpadi, Vellore District.

...Respondents 1&2/Respondents 1&2

3.Deivanai

...3rd Respondent/Petitioner

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to call for the records and set-aside the Docket order in C.M.P.No.485 of 2020, dated 19.03.2020, on the file of the Judicial Magistrate Katpadi, Vellore District as illegal, incompetent, without jurisdiction.

For Petitioner : Mr.M.Muruganantham

For R1 & R2 : Mr.S.Karthikeyan

Additional Public Prosecutor

ORDER

This petition has been filed for challenging the order passed in C.M.P.No.485 of 2020, dated 19.03.2020, on the file of the Judicial Magistrate, Katpadi, Vellore District.

2.The learned Counsel appearing for the petitioner would submit that with false allegations the 3rd respondent filed a private complaint as against the petitioner and the learned Magistrate without even considering the allegations made in the petition mechanically directed the 2nd respondent to investigate the complaint filed under Section 156(3) Cr.P.C. He further submitted that the 3rd respondent mislead the learned Magistrate and suppressed the fact and filed a private complaint. In fact, on the complaint lodged by the petitioner, the case has been registered in Crime No.5 of 2019 as against

the son of the 3rd respondent herein on the file of the 2nd respondent police. It has been suppressed and obtained a direction. Therefore, he sought for intervention of this Court and to set aside the order passed by the learned Magistrate.

3.It is seen that the 3rd respondent filed a complaint before the Judicial Magistrate Katpadi, Vellore District, in C.M.P.No.485 of 2020, dated 19.03.2020. On a perusal of the complaint, the learned Magistrate, by an order dated 19.03.2020 to investigate the case, forwarded the complaint filed under Section 156(3) Cr.P.C. to the 2nd respondent for registration of the complaint and investigation. The present petition has been filed challenging the said order passed by the learned Magistrate and thereby directed the 2nd respondent for registration of FIR under Section 156(3) Cr.P.C. Even till today no FIR has been registered as against the petitioner and this petition itself is a premature one even before registering the FIR, the petitioner has no say to challenge the order passed by the learned Magisterate.

4.Considering the above facts and circumstances, this Criminal Original Petition is devoid of merits and the same is dismissed. However, the petitioner is at liberty to challenge the FIR in the manner known to law. Consequently, the connected Criminal Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

gbi

To

1.The Judicial Magistrate,
Katpadi, Vellore District.

2.The District Superintendent of Police,
Superintendent of Police Office,
Sathunacheri, Vellore District.

3.The Inspector of Police,
Katpadi Police Station,
Katpadi, Vellore District.

4. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.11100 of 2020

BS(CO)
CB(29/09/2020)