

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2021

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Cr1.R.C.No.20 of 2021

Saroja @ Chandrabanu

...Petitioner/Complainant

Versus

Jeyaseelan

...Respondent/Accused

Prayer : Criminal Revision petitions are filed under Section 397 r/w.401 Cr.P.C to set aside the order of the Judicial Magistrate No.II, Pollachi dated 02.11.2020 in C.M.P.No.1709 of 2020, consequently direct the Inspector of Police, Aanaimalai, Pollachi to register the FIR under Sections 420, 169, 471 and 424 of IPC against the respondent.

For Petitioner : Mr.R.Shanmugam

O R D E R

The petitioner filed complaint before the Tahsildar, Pollachi, the Inspector of Police, Aanaimalai, Pollachi and to the Sub Inspector of Police, Kottur, Pollachi and since they have not registered the case and investigated the matter, they filed complaint before the Magistrate in C.M.P.No.1709 of 2020. The Magistrate, without considering the substance of the complaint, dismissed the petition. Challenging the same, the petitioner filed the present revision.

2. The main contention of the petitioner is that the petitioner filed petition under section 156(3) Cr.P.C., seeking direction to SHO, Mahalingapuram Police Station, to register FIR under Sections 420, 169, 471, 424 IPC. Though the petitioner given a complaint, the respondent police not registered the case and investigated the matter. The respondent created the document and threatened the petitioner with dire consequences and the main grievance of the petitioner is that the respondent police has not registered the case. Therefore, they approached the Judicial Magistrate No.II, Pollachi. The Magistrate found that the petitioner has submitted his complaint before the concerned SHO by post and on the same date before the concerned S.P., and

D.S.P., concerned; but the cause of action for SP/DSP to act under Section 154(3) arises only when the aggrieved approaches them on default of SHO; there is no duty under law incumbent upon the SP/DSP to monitor registration of every complaint in each and every Station Houses falling within their entire realm on their own. Holding so, the said petition was dismissed, however, with liberty to the petitioner to make request for treating the petition as complaint on condition of annexing list of witnesses and on appearance of complainant for examination on oath Section 200 Cr.P.C.,, 1973, within 7 working days.

3. The main grievance of the petitioner is that the police have not registered the case whereas he has not added them as respondent in the petition filed before the Magistrate and also filed before this court.

4. The petitioner has filed the petition against the respondent even without impleading the respondent police and hence, no directions can be given as sought for by her. The petitioner ought to have impleaded the concerned police as a respondent, otherwise, as stated by the learned Magistrate, the complaint has to be filed u/s.200 Cr.P.C. before the Magistrate, but the petitioner filed petition u/s.156(3) Cr.P.C., and not impleaded the police as party respondent. Therefore, this court does not find any perversity in the order passed by the Magistrate. In any event, the petitioner is not remediless, the learned Judicial Magistrate also clearly given liberty to the petitioner. Therefore, under these circumstances, this court does not find any merit in the revision. Accordingly, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

nvsri

To

1. The Judicial Magistrate No.II, Pollachi.
+lcc to Mr.S.Saravanan, Advocate, S.R.No. 2257

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