

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2021

C O R A M

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Cr1.R.C.No.62 of 2021

M.Adimoolam

...Petitioner

Vs.

- 1.The SHO,
CBCID, Puducherry.
- 2.Mr.Vedagiri,
- 3.Dr.V.Adimoulame
- 4.S.Nadanarajan
- 5.D.Panneerselvam
- 6.Dilakaraj Lenion
- 7.Lakshmi Narayan
- 8.Dr.V.Suresh Nathan
- 9.S.Dinakaran
- 10.Marimuthu Rivera

...Respondents

PRAYER: Criminal Revision Case filed under 397 r/w 401 of Cr.P.C. against the order of the learned Chief Judicial Magistrate, Puducherry, dated 11.12.2020 in Cr1.M.P.No.3821 of 2020.

For Petitioner : Mr.B.Vijaya Barathan

For Respondent : Mr.D.Bharatha Chakravarthy

Public Prosecutor (Pondicherry) for R1

O R D E R

Initially, the petitioner has lodged a complaint before the first respondent-CBCID on 22.09.2020. Since the the first respondent-CBCID has not taken any action against the respondents 2 to 10, based on his complaint dated 22.09.2020, he filed a petition under Section 156 (3) of Cr.P.C., for a direction to the first respondent-CBCID, Puducherry to register an FIR as against the respondents 2 to 10 before the learned Chief Judicial Magistrate, Puducherry in Cr.M.P.No.3821 of 2020. The learned Chief Judicial Magistrate, Puducherry, after enquiry, dismissed the complaint filed by the petitioner, as there was no sufficient grounds made out to register a case/FIR as against the Officials of PIPDIC. Challenging the dismissal of complaint, the petitioner is before this Court.

2. When the matter came up today at 10.30 a.m., the learned Public Prosecutor sought time to get instructions from the first respondent-CBCID and reported before this Court at 2.15 p.m., stating that during the pendency of the preliminary enquiry, the petitioner has not co-operated for enquiry and straightaway approached the learned Chief Judicial Magistrate, Puducherry, for registration of F.I.R. as against the respondents 2 to 10.

3. Heard the learned counsel on either side and perused the materials available on record.

4. It is an admitted fact that the first respondent-CBCID has not completed preliminary enquiry and when the enquiry was pending, the petitioner without cooperating enquiry, has straight away filed Cr.M.P.No.3821 of 2020, for registering FIR as against the respondents 2 to 10, under Section 156(3) of Cr.P.C. However, the learned Chief Judicial Magistrate, Puducherry, recorded the statement of the petitioner/complainant and it was taken on file under Section 200 of Cr.P.C., and dismissed the very complaint itself under Section 203 of Cr.P.C, by an order dated 11.12.2020.

5. In view of the above, the order passed by the learned Chief Judicial Magistrate, Puducherry, dated 11.12.2020 in Cr.M.P.No.3821 of 2020, is set aside. Since the petitioner has not co-operated for enquiry, and straight away approached the learned Judge for a direction to register F.I.R. as against the respondents 2 to 10, and however, in the said direction petition, the learned Judge dismissed the very complaint itself, and therefore, in order to give an opportunity to the petitioner, the first respondent-CBCID is directed to conduct an enquiry in accordance with law and if cognizable offence is made out, register the case against the respondents 2 to 10, and conduct the investigation in the manner known to law. It is made clear that the petitioner is directed to co-operate with the first respondent-CBCID for enquiry.

6. With the above direction, the Criminal Revision Case is disposed of.

s/d

Assistant Registrar

True Copy

Sub-Assistant Registrar

r n s

To

1.The Chief Judicial Magistrate,
Puducherry.

2.The SHO, CBCID, Puducherry

Crl.R.C.No.62 of 2021

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