

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2021

CORAM:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.1137 of 2020

S.S.Kanagaraj

... Petitioner

Vs.

1. K.Ramalingam

2. State Rep. by
The Inspector of Police,
Udumalpet Police Station
Tirupur District.

... Respondents

PRAYER : Criminal Revision Case filed under Section 397 r/w 401 of Cr.P.C. against the order made in Crl.M.P.No.3434 of 2019 dated 14.11.2019 on the file of the Learned Judicial Magistrate No.1, Udumalpet and direct the 2nd respondent herein to register the petitioner's complaint dated 03.07.2019.

For Petitioner : Mr.S.Kumaradevan

For Respondents : Mr.R.Suryaprakash
Government Advocate

O R D E R

This Criminal Revision has been filed against the order made in Crl.M.P.No.3434 of 2019 dated 14.11.2019 on the file of the Learned Judicial Magistrate No.1, Udumalpet and direct the 2nd respondent herein to register the petitioner's complaint dated 03.07.2019.

2. The petitioner filed a petition before the learned Judicial Magistrate No.1, Udumalpet in Crl.M.P.No.3434 of 2019, against the respondent/police to register the first information report and to report thereon. The learned Magistrate after hearing dismissed the petition vide order dated 14.11.2019, on the ground that the complaint was filed with an inordinate delay of seven years, without producing any piece of material evidence on record and further the complaint does not disclose any commission of cognizable offence warranting this Court to give direction to the respondent police. Being aggrieved over the

same, the petitioner has filed the present revision before this Court.

3. Heard both sides. Perused the material available on record.

4.The petitioner said to have filed a complaint on 08.04.2011 before the Superintendent of Police, Tiruppur. Since no action has been taken, he filed a petition before the learned Judicial Magistrate No.1, Udumalpet in the year 2019 to direct the respondent police to register the case and investigate the matter. Since already the complaint relating to the same matter was filed by one Ramalingam, who is claimed to be nephew of the deceased Perumalakkal, wherein the investigation was completed and charge sheet also filed and the case was closed and if the petitioner gave a complaint on 08.04.2011 and the second respondent police has not taken any action, the petitioner ought to have approached the Court within reasonable time but the petitioner has not done so, he has filed the petition only after seven years. Therefore, the learned Magistrate discussed the entire evidence and dismissed the application. Hence this Court does not find any illegality or infirmity in the order passed by the learned Magistrate.

In the result, this revision is liable to be dismissed and accordingly the same is dismissed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Judicial Magistrate No.1,
Udumalpet.

2.The Inspector of Police,
Udumalpet Police Station,
Tiruppur District.

+1cc to Mr.S.Kumaradevan, Advocate Sr.4097

Cr1.R.C.No.1137 of 2020

ss[co]
srg 22/02/2021