



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2021

C O R A M

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Crl.R.C.No.383 of 2021

S.D.Moorthy

...Petitioner

Vs

1.The Commissioner of Police,  
No.132, Commissioner of Building,  
Vepery, Chennai, Chennai - 600 007.

2.State Rep. by  
The Inspector of Police,  
T-4, Maduravoyil Police Station,  
Maduravoyil,  
Chennai - 600 095.

...Respondents

PRAYER: Criminal Revision Case filed under 397 r/w 401 of Cr.P.C. to set aside the order passed in Crl.M.P.No.2568 of 2021, on 26.03.2021, on the file of the Judicial Magistrate No.II, Poonamallee and direct the respondent to register the FIR complaint dated 16.02.2021.

For Petitioner : Mr.L.Infant Dinesh

For Respondents : Mr.S.Sugendran  
Government Advocate (Crl.Side)

O R D E R

This Revision has been filed to set aside the order passed by the learned Judicial Magistrate No.II, Poonamallee, ordering preliminary enquiry in Crl.M.P.No.2568 of 2021, filed under Section 156(3) of Cr.P.C, and for a direction to the first respondent to register the complaint dated 16.02.2021.

2. The petitioner has approached the learned Magistrate under Section 156(3) of Cr.P.C. to register a private complaint against the private respondents. The learned Magistrate, after enquiry, found that preliminary enquiry is necessary in this case and hence, ordered for preliminary enquiry. Challenging the said order, the petitioner has approached this Court by way of this Revision.



3. The learned counsel for the petitioner would submit that the learned Magistrate ought to have given direction to the Inspector of Police to investigate the matter in toto, and however, only ordered for preliminary enquiry, which warrants interference.

4. The learned Government Advocate (Criminal Side) would submit that though there was a delay of 7 years in filing the complaint, and the petitioner has also not mentioned the date of occurrence, the learned Judge ordered for preliminary enquiry and therefore, no interference is required.

5. Heard the learned counsel on either side and perused the records.

6. According to the learned counsel for the petitioner, the learned Magistrate ought to have given direction to the respondent-Police to investigate the matter and however ordered only preliminary enquiry. As rightly contended by the learned Government Advocate (Criminal Side), as there was a delay of 7 years in filing the complaint and also the petitioner has not mentioned the date of occurrence and petitioner came to know about the offence only after several years, and therefore, the learned Magistrate thought it fit to order preliminary enquiry.

7. In view of the above, this Court finds that there is no perversity or illegality or infirmity in the order passed by the learned Magistrate. As directed by the learned Magistrate, the respondent-Police is directed to conduct preliminary enquiry and file a report within the stipulated time and based on that, the learned Magistrate is directed to act in accordance with law.

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

Sd/-  
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

r n s

To

1.The Judicial Magistrate No.II,  
Poonamalle.



2.The Commissioner of Police,  
No.132, Commissioner of Building,  
Vepery, Chennai, Chennai - 600 007.

3.The Inspector of Police,  
T-4, Maduravoyil Police Station,  
Maduravoyil,  
Chennai - 600 095.

4.The Public Prosecutor,  
Madras High Court,  
Chennai.

5.The Section Officer,  
Criminal Section,  
High Court,  
Madras.

+1 cc to Mr.L.Infant Dinesh, Advocate Sr.No.36346

Cr1.R.C.No.383 of 2021

JPL(CO)  
RVM(19/08/2021)