



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:02.11.2021

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Cr1.R.C.No.683 of 2021

Dr.Prasath Savier

...Petitioner

Vs.

Saravanakumar

...Respondent

Prayer: Criminal Revision is filed under Section 397 and 401 of Criminal Procedure Code praying to set aside the order in CMP No.2437 of 2021 dated 04.09.2021 by the learned Judicial Magistrate at Palladam and direct the learned Judicial Magistrate, Palladam to refer the complaint to Inspector of Police, Palladam.

For Petitioner : Mr.S.Valarmathi

ORDER

(The case has been heard through video conference)

The Criminal Revision Case has been filed against the order in C.M.P. No.2437 of 2021 dated 04.09.2021 passed by the learned Judicial Magistrate, Palladam, and direct the learned Judicial Magistrate, Palladam to refer the complaint of the petitioner to the Inspector of Police, Palladam.

2. The case of the petitioner is that on 23.06.2021, he had lodged a complaint before the Deputy Superintendent of Police against the respondent and others and the same was forwarded to the Inspector of Police, Palladam Police Station who issued CSR No.188 of 2021. Since, the police did not take any action on the complaint of the petitioner, the petitioner also forwarded the complaint to [1] the Chief Minister's Special Cell, [2] Commissioner, West Zone, Coimbatore, [3] Commissioner, Human Rights Commission, [4] The Superintendent of Police, Tiruppur, [5] The Superintendent of Police, Palladam, and [6] The Inspector of Police, Palladam Police Station, Palladam, and later, he filed a private complaint before the learned Judicial Magistrate, Palladam, in C.M.P.No.2437 of 2021 under Section 156(3) Cr.P.C. without adding the Inspector of Police, Palladam, seeking for a direction to the Inspector of Police to register the complaint given by the petitioner and to investigate the matter.



3. The learned Magistrate, after perusing the entire records found that there were allegations of defamation and therefore, the only remedy available to the petitioner is to file a private complaint only under Section 200 Cr.P.C. against the private persons and the Court need not direct the police to register the case under Section 156(3) Cr.P.C. and the dismissed the same, against which, the petitioner has filed the present revision before this Court.

4. Heard the learned Counsel for the petitioner and perused the materials on record.

5. It is seen that the petitioner has lodged a complaint with allegations of defamation whereas, he has filed the private complaint only against one individual namely Saravanakumar. Therefore, the allegation under Section 120 B IPC is not made out. Further, the learned Magistrate has held that the petitioner can file a private complaint under Section 200 Cr.P.C. and the Court need not give any direction.

6. This Court does not find any perversity in the order passed by the learned Magistrate. Since, there is allegation of defamation and the complaint has been lodged only against one individual, the petitioner can file a private complaint for which, no investigation of police is necessary.

7. In view of the above, this Criminal Revision Case is dismissed. The petitioner is at liberty to work out his remedy in the manner known to law.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ksa-2/dsn

To

The Judicial Magistrate,
Palladam

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SVI (CO)
SB(17/11/2021)