



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.11.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.21922 of 2021

M.B.Venkatasamy

... Petitioner/ Complainant

Vs.

1. The Superintendent of Police,
Dharmapuri District,
Dharmapuri - 636 705.

2. State represented by,
The Inspector of Police,
Karimangalam Police Station,
Dharmapuri District.

... Respondents

PRAYER: Criminal Original Petition has been filed under Section 482 of the Code of Criminal Procedure to direct the 2nd respondent police to register the case against the accused on the basis of the complaint dated 19.06.2021 and 05.07.2021 made by the petitioner under Section 156(3) of Cr.P.C. for the offences under Sections 447, 294(b), 506(ii), 379 IPC and Sections 3 & 4 of TNPPDL Act.

For Petitioner : Mr.V.R.Annagandhi

For Respondents : Mr.R. Vinothraja
Govt. Advocate (Crl. Side)

O R D E R

The petitioner earlier lodged a complaint to the second respondent on 17.08.2020, thereafter, no action taken. Hence, he filed a petition under Section 156(3) Cr.P.C. before the Judicial Magistrate, Palacode and the same was dismissed on 21.10.2020 for the reason that the petitioner approached this Court without due complaine under Section 154 of Cr.P.C., against which, the present petition has been filed.

2.The contention of the learned counsel for the petitioner is that the reason given by the Judicial Magistrate that the petitioner has not followed under Section 154(3) Cr.P.C. before invoking remedy under Section 156(3) Cr.P.C. is not proper. The



petitioner initially sent a complaint to the Inspector of Police, Palacode, thereafter, followed it to the Superintendent of Police, Dharmapuri on 19.08.2020. The Superintendent of Police, Dharmapuri, forwarded the complaint of the petitioner to the Land Grabbing Cell and the Land Grabbing Cell, on 20.08.2020 on the complaint of the petitioner, issued summon to the petitioner as well as the accused. Thereafter, the accused had not appeared and no action has been taken. The documents have been annexed with the petition under Section 156(3) Cr.P.C. which ought not to be considered even the postal acknowledgment card forms part of the documents.

3. On perusal of the materials and on the submission of the learned counsel for the petitioner, it is seen that the petitioner lodged a initial complaint to the Superintendent of Police and he has complied with the condition as contemplated under Section 154(3) Cr.P.C.

4. In view of the same, this Court finds that the lower Court has not properly considered the petition. Hence, this Court set aside the order of the lower Court dated 21.10.2020 in CrI.M.P.No.1472 of 2020 and the Judicial Magistrate, Palacode, to consider the petition filed by the petitioner under Section 156(3) Cr.P.C. properly and the petitioner is directed to produce the documents already filed along with the petition and other available documents with him to satisfy the Judicial Magistrate to his compliance under Section 154(3) Cr.P.C.

5. With the above, the criminal original petition is disposed of.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sms

To

1.

1. The Judicial Magistrate, Palacode.

2. The Chief Judicial Magistrate, Dharmapuri



3. The Superintendent of Police,
Dharmapuri District,
Dharmapuri - 636 705.

4. The Inspector of Police,
Karimangalam Police Station,
Dharmapuri District.

5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.V.R.Annagandhi, Advocate, S.R.No.61625

CRL.O.P.No.21922 of 2021

AK-II(CO)
CT 29/12/2021