



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
Crl.O.P. (MD)No.17579 of 2021

Babu

...Petitioner/ Petitioner

Vs.

1.The State represented by
The Inspector of Police,
Ammapettai Police Station,
Thanjavur District

... 1st Respondent/ Complainant

2.Sathish

3.Arunachalam

4.Vijayan

5.Prakash

6.Mohan @ Ramasamy

... Respondents 2 to 6/
Accused

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C, to call for records relating to the order passed by the learned Judicial Magistrate, Pabanasam in Unnumbered Cr.M.P.No. Of 2021, dated 08.10.2021 and to set aside the same.

For Petitioner : Mr.T.A.Ebenezer

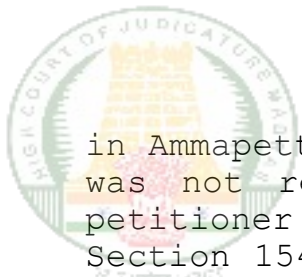
For Respondents : Mr.T.Senthil Kumar
Additional Public Prosecutor for R1

Mr.S.Venkatesan for R2 to R6

O R D E R

Heard the learned counsel for the petitioner, the learned Additional Public Prosecutor for the first respondent and the learned counsel for the respondents 2 to 6.

2. The petitioner had lodged a complaint before Ammapettai Police Station. Specific allegation of the petitioner is that a close relative of the accused is working as Sub Inspector of Police



in Ammapettai Police Station. Therefore, the petitioner's complaint was not received by the local Police Station. Thereafter, the petitioner moved the Superintendent of Police as contemplated under Section 154 of Cr.P.C. It is stated that the petitioner's efforts did not elicit any response. Hence, he filed a petition under 156(3) Cr.P.C before the learned Judicial Magistrate, Pabanasam. The said petition was returned on the ground that the complaint filed before the local Police Station and the one filed before the Superintendent of Police differ from each other.

3. Though the petitioner re-presented the petition, still no orders were passed on merits. Hence, the petitioner had filed this Criminal Original Petition.

4. When a petition of this nature is filed, the learned Judicial Magistrate is under an obligation to pass an order on merits and the question of returning the same on the ground mentioned by the Court below does not arise at all.

5. Therefore, this Criminal Original Petition is disposed of, by permitting the petitioner to re-present the original petition before the Judicial Magistrate. On such re-presentation, the Court below shall number the same and pass orders on merits and in accordance with law. I make it clear that I have not gone into the merits of the matter, the rights of both the parties are left open. The registry is directed to return the Original Petitions filed by the petitioner under Section 156(3) Cr.P.C. The counsel for the petitioner shall substitute the original petitions by authenticated photo copies.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

mga/csm

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Inspector of Police,
Ammapettai Police Station,
Thanjavur District



2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to:

WEB COPY

1.The Judicial Magistrate, Pabanasam.

2.The Section officer, E.R Section,
Madurai Bench Of Madras High Court, Madurai.

(to return the original Complaint U/S.156(3)Cr.PC. To the Petitioner
after obtaining authenticated photo copies)

Crl.O.P. (MD)No.17579 of 2021

15.11.2021

_RD(02.12.2021) 3P 5C