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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2022

CORAM:

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

CRL.R.C.NO.692 OF 2022

G.Sridharan (Age 66)

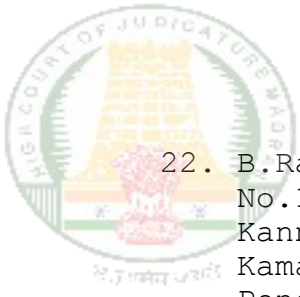
... Petitioner

Versus

1. The Station House Officer,
Grand Bazar Police Station,
Puducherry - 605 001.
2. V.K.Muthusamy @ Prakash
3. Mohan @ K.Mohanasundaram
4. M.Jagadeesan
5. R.Varadarajan @ Mohandoss,
No.14, Raja Rajeswari Nagar,
Pondicherry - 605 011.
6. S.Balasubramanian,
No.126, Muthumariamman Koil Street,
Pondicherry - 605 001.
7. B.Rajesh,
No.14, 1st Floor,
Kannadasan Street,
Kamaraj Nagar,
Pondicherry - 605 001.
8. Z.Djeasankar,
No.88, 5th Cross,
Thanthai Periyar Nagar,
Pondicherry
9. S.Prakash,
No.125, Yanam Vengatachalapillai Street,
Pondicherry.
10. N.K.Sadhantham,
No.68, Nillaya Street,
Shanmugapuram,
Pondicherry.



11. S.Djagandin Paul,
No.37-39, Rue Suffrein,
Pondicherry.
12. U.C.Arumugam,
No.1, Mayor Muthupilli Nagar,
Pondicherry.
13. Goapalarathinam
14. Francis Xavier,
No.29, Dr.Rohyhe Thoppu,
Vanarapet, Pondicherry.
15. M.Jagadeesan,
No.29 And 30,
4th Cross, Pon Nagar,
Reddiarpalayam,
Pondicherry.
16. A.Kamalakannan,
No.33, Kamaraj Street,
Eni Bungalow, Kosapalayam,
Pondicherry.
17. R.Ravichandran,
No.21, Muthumariamman Koil Street,
Pondicherry.
18. S.Balasubramanian,
No.126, Muthumariamman Koil Street,
Pondicherry.
19. N.Sivapragasam
No.34, Vallalar Street,
Kosapalayam, Pondicherry.
20. R.Thanigaimani
Old No.23, New No.21,
Sithananda Koil Street,
Bharathi Nagar,
Karuvadikuppam,
Pondicherry.
21. Djeasankar,
No.88, 5th Cross,
Thanthai Periyar Nagar,
Pondicherry.



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22. B.Rajesh,
No.14, 1st Floor,
Kannadasan Street,
Kamarajar Nagar,
Pondicherry.
23. M.Natarajan,
No.11, 4th Cross,
Thilagar Nagar,
Pondicherry.
24. S.Djagandin Paul,
No.37-39, Rue Suffrein,
Pondicherry.
25. Lakshmipathy
No.46, 3rd Cross Street,
Venkata Nagar,
Pondicherry.

PRAYER:-

Criminal Revision Case filed under Section 397 read with 401 Code of Criminal Procedure, to call for the entire records pertaining to the impugned Order dt. 21.03.2022 passed in CrI.M.P.No.8817 of 2021 on the file of the Learned Chief Judicial Magistrate at Puducherry, and set aside the same by allowing the present Criminal Revision Petition.

For Petitioners : Mr.B.Vijaya Barathan

For R1 : Mr.Bala Murugane
Public Prosecutor (P)

O R D E R

The petitioner filed an application under Section 156(3) of Cr.P.C, to refer his complaint for investigation. By the time the matter came up of hearing, already police themselves have registered the first information report on the same complaint in Crime No.303 of 2021. But, however the petitioner filed an application under Section 210 of Cr.P.C, to keep the said application pending further investigation of the police, which was taken and rejected by the learned magistrate, against which, the present revision is filed.

2. The learned counsel for the petitioner submits that the order of the trial court holding that the petition under section



156(3) is not a complaint within the meaning of under Section 210 of Cr.P.C., is erroneous. He would submit that though the First Information Report was registered, it was only as against 2 to 12 and therefore, the petitioner filed this application for investigation and depending upon the outcome, he can move the Trial Court to proceed further with this present application.

3. I have heard the learned counsel on either side and perused the material records of this case.

4. The prayer in the petition filed by the petitioner is for referring the complaint for the purpose of registering the First Information Report and to proceed with the further Investigation. When that is being done by the respondent/police themselves, the petition has become infructuous and the petition under Section 210 of Cr.P.C is unsustainable.

5. The purpose of Section 210 is that when a private complaint is being proceeded by way of enquiry or trial and if the Police investigation is also conducted for the self same allegations, parallel proceedings cannot go on, so that an enabling provision is made for the learned Magistrate, to keep private complaint in abeyance until the investigation is over. The said principles are not at all applicable to the facts and circumstances of the case. The learned Magistrate has rightly rejected the application. The application filed by the petitioner in Crl.M.P.No.8817 of 2021 has become infructuous.

6. In view of the fact that the respondent/police has already registered the First Information Report and proceeded with the investigation, it will be open to the petitioner to agitate by filing appropriate application in the manner known to law, if he is aggrieved of non-inclusion of any accused in the charge sheet. The Criminal Revision is accordingly dismissed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

klt

To

1. The Chief Judicial Magistrate,
Puducherry.



2. The Public Prosecutor,
Puducherry.

3. The Station House Officer,
Grand Bazar Police Station,
Puducherry - 605 001.

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SKM(CO)
PBS/06/07/2022