



WEB COPY



Crl.OP.No.23975 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.09.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Crl.O.P.No.23975 of 2022

G.Anandan

... Petitioner

Vs.

1. State By:

The Inspector of Police,
C.C.B.Wing,
4VR+4JR, ChinnaYarkadu,
Jaya Nagar, Tiruvallur - 602 001.

2. Karthi

3. Justine

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C.,
pleaded to direct the learned Judicial Magistrate -I, at Ponneri to accept the petition
filed by the petitioner under Section 156(3) Cr.P.C. in CMP No.2242 of 2022 and
to dispose the same on merits.

For Petitioner

: Mr.K.R.Ramesh Kumar

For Respondent 1

: Mr.S.Santhosh
Government Advocate(Crl.side)



Crl.OP.No.23975 of 2022

ORDER

This Criminal Original Petition has been filed seeking direction to the Learned Judicial Magistrate-I, Ponneri to accept the petition filed by the petitioner under Section 156(3) Cr.P.C. in CMP No.2242 of 2022 and to dispose the same on merits.

2. The learned counsel for the petitioner would submit that the the petitioner had lodged a complaint as against the respondents 2 and 3 before the Superintendent of Police, Tiruvallur District on 02.02.2022 and the same was forwarded to the Inspector of Police, District Crime Branch, Tiruvallur. He would submit that even after the lapse of 6 months, no effective steps were taken by the respondent police. Therefore, the petitioner had filed a complaint under Section 156(3) of Cr.P.C in Crl.M.P.No.1754 of 2022 and the same was dismissed by order dated 01.08.2022 on the technical ground that the petitioner has not complied with the provision under Section 154(3) of Cr.P.C. He would further submit that after complying with all the conditions, again the petitioner had filed a petition under Section 156(3) of Cr.P.C in CMP.No.2242 of 2022 and the same was returned on 14.09.2022 with an endorsement that this petition posted for orders. On perusal of



Crl.OP.No.23975 of 2022

bundle, complainant directed to petition given to the Inspector of Police, CCB Wing, Tiruvallur and under Section 156(3) of Cr.P.C should be followed. Hence, this petition was returned. He would further submit that the learned Judicial Magistrate ought to have taken on file the petition and decided on merits. Hence, he seeks direction to the Trial Court to consider the petition filed in CMP.No.2242 of 2022 and pass order on merits on the same day.

3. Heard the learned counsel for the petitioner and learned Government Advocate (Crl.side) for the first respondent.

4. On perusal of the records, it reveals that the petitioner had filed a private complaint under Section 156(3) of Cr.P.C which was dismissed on technical ground that initially the petitioner has not filed a complaint to Superintendent of Police under Section 154(3) of Cr.P.C. Again, after complying all the conditions, the petitioner had filed a complaint under Section 156(3) of Cr.P.C which was taken on file in CMP.No.2242 of 2022 and the same was returned without considering the petition. Hence, it is liable to be set aside the order passed by the learned Judicial Magistrate. Accordingly set aside.



Crl.OP.No.23975 of 2022

WEB COPY

5. In such view of the above, the learned Judicial Magistrate is directed to decide the complaint given by the petitioner under Section 156(3) of Cr.P.C and pass orders on merits and in accordance with law.

6. With the above directions, this Criminal Original Petition is allowed.

30.09.2022

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
nr

To

1.The Inspector of Police,
C.C.B.Wing,
4VR+4JR, ChinnaYarkadu,
Jaya Nagar, Tiruvallur - 602 001.

2.The Public Prosecutor
High Court, Madras



WEB COPY



Crl.OP.No.23975 of 2022

V.SIVAGNANAM,J.

nr

Crl.O.P.No.23975 of 2022

30.09.2022