

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

Crl.O.P.No.25431 of 2018

Dr.R.Salamon

... Petitioner

Vs.

- 1.Alwin Herbert
- 2.D.Danial
- 3.Prasannakumar Samuel
- 4.J.M.Richard
- 5.D.Abraham
- 6.The Inspector of Police,
Hosur Town Police Station,
Hosur Krishnagiri Distrit.
- 7.The Superintendent of Police,
Krishnagiri District,
Krishnagiri.

... Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of Cr.P.C, to set aside the return endorsement made by the Judicial Magistrate No.II, Hosur and direct him to take the case on file (unnumbered private complaint R.No.3542 dated 14.08.2018) and proceed further as per law.

For Petitioner : No appearance

For R1 to R5 : No appearance

For R6&R7 : Mr.C.E.Pratap,
Government Advocate (Crl.Side)

O R D E R

The present petition has been filed to set aside the written endorsement made by the learned Judicial Magistrate No.II, Hosur and direct him to take the case on file (unnumbered private complaint) R.No.3542 dated 14.08.2018.

2. The petitioner is a Medical Practitioner working in Hosur. He is a member of Hosur CSI Chirstu Nathar Church. Moreover, he was the Treasurer of the said Church for more than 12 years.

3. On 01.08.2018, the petitioner gave a complaint before the 6th respondent against the respondents 1 to 5 for their illegal activities and misappropriation of the Church funds. The 6th respondent gave a receipt in No.320 of 2015 for receiving the said complaint. But the 6th respondent did not register the case and had not taken any proper action. So, the petitioner filed CrI.O.P.No.11433 of 2016 before this Court to register the complaint against the respondents 1 to 5. On 30.06.2016, this Court directed the 6th respondent to conduct enquiry expeditiously and during the course the enquiry, if any cognizable offence is made out, a regular case shall be registered, following the decision laid down by the Hon'ble Supreme Court in Lalitha Kumari Vs.Government of Utterpradesh and others reported in (2014) 2 SCC 1, otherwise, the petition may be closed under intimation to the petitioner.

4. It appears that the Petitioner has filed the present private complaint before the learned Judicial Magistrate No.II, Hosur on 21.08.2018. Since there was an earlier order passed by this Court, directing the 6th respondent to conduct enquiry in the case and to investigate the matter, the complaint has been returned observing that since there is an order passed by this Court, he was advised to him to approach this Court and after representation, the endorsement made on the earlier occasion dated 21.08.2018 was reiterated by the learned Magistrate. Challenging the same this Criminal Original Petition is filed.

5. After going through the contents of the complaint as well as the earlier order passed by this Court in CrI.O.P.No.11433 of 2016 dated 13.06.2016, I find that endorsement made by the learned Magistrate is perfectly in order and when required, the police shall investigate the matter.

6. Accordingly, this Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1. The Judicial Magistrate No.II,
Hosur.
2. -do- Through Chief Judicial Magistrate,
Krishnagiri.
3. The Inspector of Police,
Hosur Town Police Station,
Hosur, Krishnagiri Distrit.
- 4.The Superintendent of Police,
Krishnagiri District,
Krishnagiri.

Crl.O.P.No.25431 of 2018

SKM(CO)
GMY(13/07/2022)