



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.02.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Cr1.R.C. (MD) No.31 of 2022

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...Petitioner/Petitioner

Vs.

The State represented by
the Sub Inspector of Police,
Thirukurunkudi Police Station,
Nanguneri Taluk,
Tirunelveli District.

...Respondent/Respondent

PRAYER: Criminal Revision Case filed under Section 397 and 401 Cr.P.C. praying to call for the records relating to the impugned order dated 28.10.2021 passed by the learned Judicial Magistrate, Valliyur in Cr.M.P.No.906 of 2021 and set aside the same as illegal.

For Petitioner	:	Mr.M.Jerin Mathew
For Respondent	:	Mr.K.Sanjai Gandhi
		Government Advocate (Cr1. Side)

ORDER

This Criminal Revision Petition has been filed challenging the order passed by the learned Judicial Magistrate, Valliyur in Cr.M.P. No.906 of 2021, dated 28.10.2021, thereby dismissing the petition filed for seeking direction under Section 156(3) of Cr.P.C.

2. The petitioner lodged a complaint before the respondent on 10.06.2021 for taking appropriate action as against one Mr.Karuppasamy, Forest Watcher, alleging that he had entered into the lessee's land and had destroyed the valuable trees and other crops standing in the land and also threatened the lady employee as if he would put her behind the bars and abused her with filthy words. Again, he entered into the lessee's land and tried to dispose the employees forcefully and had tried to evict them and threatened them with dire consequences.

3. However, on the complaint lodged by the petitioner, the respondent did not take any action and as such, the petitioner filed a private complaint before the learned Judicial Magistrate, Valliyur seeking direction under Section 156(3) of Cr.P.C. While pending the complaint, the learned Judicial Magistrate, Valliyur directed the respondent to conduct preliminary investigation and file a report. As directed by the learned Judicial Magistrate, Valliyur, the respondent without registering any F.I.R, conducted enquiry and



reported to the learned Judicial Magistrate that no such occurrence took place and the averments are false. Based on the said report, the learned Judicial Magistrate rejected the complaint lodged by the petitioner.

4. This Court repeatedly held that the registration of F.I.R. involves only the process of entering the substance of the information relating to commission of the cognizable offence in a book kept by the officer in-charge of the police station to register F.I.R. when investigation under Section 156(3) is directed by the Magistrate, even when the Magistrate explicitly does not say so. Further, the failure to register F.I.R. pursuant to the order passed by the Magistrate under Section 156(3) of Cr.P.C is liable to be prosecuted under Section 21 read with Section 44 of the District Police Act.

5. Admittedly, in the case on hand, the respondent is directed by the learned Judicial Magistrate. But, without registering any F.I.R, the respondent simply conducted preliminary investigation and reported to the learned Judicial Magistrate, as if no such incident was taken place and all the allegations were false.

6. In view of the above, the impugned order passed by the learned Judicial Magistrate, Valliyur in Cr.M.P.No.906 of 2021, dated 28.10.2021, is set aside. As directed by the learned Judicial Magistrate, Valliyur, while pending the complaint in Cr.M.P.No.906 of 2021, the respondent is directed to first register the F.I.R. against the accused person and conduct the investigation and file a report before the learned Judicial Magistrate, Valliyur. On receipt of the same, the learned Judicial Magistrate, Valliyur is directed to pass order on merits and in accordance with law.

7. With the above observations, this Criminal Revision Case is allowed.

Sd/-

Assistant Registrar (CS-I)

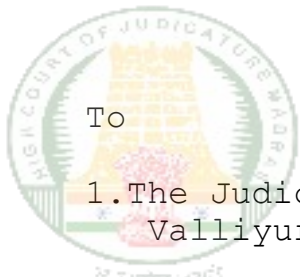
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Sub Assistant Registrar(CS)

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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 Judicial Magistrate Court,
Valliyur.

2.The Sub Inspector of Police,
Thirukurunkudi Police Station,
Nanguneri Taluk,
Tirunelveli District.

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

+1 CC to M/s.M.JERIN MATHEW, Advocate (SR-6976[F] dated
18/02/2022)

Crl.R.C. (MD) No.31 of 2022
17.02.2022

RD(04.03.2022) 3P 5C