



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **16.02.2022**

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

Crl.R.C. (MD)No.71 of 2022

Sumathi

... Petitioner/
Defacto Complainant

Vs.

1. Narasimman
2. Mahendran
3. Asaithambi
4. Raja
5. Karunesan
6. Anbalagan
7. Pethaiyan

8. The Sub Inspector of Police,
Mannargudi Town Police Station,
Thiruvarur District.

9. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Mannargudi Sub Division,
Thiruvarur District.

10. The Superintendent of Police,
Office of the Superintendent of Police,
Thiruvarur.

... Respondents/
Respondents

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to Crl.M.P No.749 of 2021 on the file of the learned I Additional District and Sessions Judge (PCR), Thanjavur, and set aside the same and allow this Criminal Revision Petition.

For Petitioner : Mr.G.Karnan
For Respondents : Mr.K.Sanjai Gandhi
Government Advocate (Criminal Side)
for R.8 to R.10

Mr.B.Ramanathan for R.1 to R.7



O R D E R

This petition has been filed to set aside the order passed in Crl.M.P No.749 of 2021 on the file of the learned I Additional District and Sessions Judge (PCR), Thanjavur, and allow this Criminal Revision Petition.

2. On perusal of the impugned order reveals that the complaint of the petitioner was rejected for the reason that there is no proof to show that the petitioner approached the respondents 9 and 10 herein. However, the petitioner lodged a complaint before the eighth respondent. The learned jurisdictional Magistrate, without going into the merits of the complaint, rejected on technical ground. The case of the petitioner is that the petitioner lodged a complaint before eighth respondent and thereafter, approached the ninth respondent for appropriate action. Even then no action has been taken and as such the petitioner has approach the learned jurisdictional Magistrate for direction under Section 156 (3) Cr.P.C.

3. In view of the above, the order passed in Crl.M.P No.749 of 2021 is set aside, the matter is remitted back to the learned I Additional District and Sessions Judge (PCR), Thanjavur, for fresh disposal. It is made clear that the learned jurisdictional Magistrate is directed to consider the allegations averred in the complaint and pass appropriate orders on merits and in accordance with law within a period of two weeks from the date of receipt of copy of this order. This Criminal Revision Case is allowed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar

To:-

- 1.The I Additional District and Sessions Judge (PCR),
Thanjavur.
2. The Chief Judicial Magistrate, Thanjavur.
- 3.The Sub Inspector of Police,
Mannargudi Town Police Station,
Thiruvarur District.



4.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Mannargudi Sub Division,
Thiruvarur District.

5.The Superintendent of Police,
Office of the Superintendent of Police,
Thiruvarur.

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

Crl.R.C. (MD) No.71 of 2022
16.02.2022

mga

MS/10.03.2022/3P.7C