



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2022

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL OP(MD). No.2711 of 2022

WEB COPY

S.Shahul Hameed

... Petitioner/Defacto Complainant

Vs

1. The Inspector of Police (Crime),
B1-Vilakkuthoon Police Station,
Madurai District. ... 1st Respondent/Complainant

2. Kajamaideen

3. J.Sulthan Alavudeen @ Rajkapoor

4. Thajtheen ... Respondents 2 to 4/
Proposed Accused No.1 to 3.

PRAYER :- This Criminal Original Petition filed under Section 482 Cr.P.C.to set aside the order passed in Cr1.MP.No.2341/2021 on the file of the Learned Judicial Magistrate No.1, Madurai, dated 09/12/2021 and consequently direct the 1st respondent police to register FIR as against the proposed accused persons and proceeds further in accordance with law.

For Petitioners : Mr.J.Jeyakumaran

For Respondent : Mr.R.M.Anbunithi
R1 Additional Public Prosecutor

: Mr.Seeni Sulthan for R2 to R4

ORDER

The Criminal Original Petition has been filed to set aside the order passed in Cr1.MP.No.2341/2021 on the file of the learned Judicial Magistrate No.1, Madurai, dated 09/12/2021, thereby, dismissing the petition filed seeking of direction under Section 156 (3) Cr.P.C.

2.On perusal of the complaint, the entire allegations are under the WAKF Act. Therefore, there is specific provision to lodge a private complaint provided in **Section 3 of WAKF Act**. Therefore, the Court below rightly rejected the request made by the petitioner seeking direction under Section 156(3) Cr.P.C and had given liberty to file private complaint. Therefore, this Court finds no infirmity or illegality in the order passed by the Court below.



3. Accordingly, this Criminal Original Petition stands dismissed.

Sd/-

Assistant Registrar (AD I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PNM

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 No.I,
Madurai
2. The Inspector of Police (Crime),
B1-Vilakkuthoon Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

CRL OP(MD). No.2711 of 2022

Date : 21/03/2022

MGJ(05.04.2022) 2P 4C