



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2022

CORAM:

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

**Crl.R.C. (MD)No.293 of 2022**

Jayaraj

... Petitioner/ Complainant

Vs.

1. Franklin

2. The Inspector of Police,  
Keeriparai Police Station,  
Kanniyakumari District.

... 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 the order passed by the learned District Munsif cum Judicial Magistrate, Bhoothapandi, in Crl.M.P No.1048 of 2020, dated 18.11.2021 and set aside the order.

For Petitioner : Mr.S.Muniyandi

For Respondents : Mrs.M.Aasha

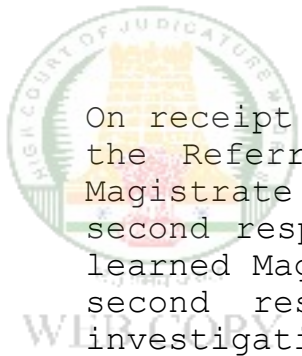
Government Advocate (Criminal Side)  
for R.2

### **O R D E R**

This Criminal Revision Case has been filed challenging the order passed by the learned District Munsif cum Judicial Magistrate, Bhoothapandi, in Crl.M.P No.1048 of 2020, dated 18.11.2021, thereby dismissing the petition filed under Section 156(3) Cr.P.C.

2. The petitioner lodged a complaint before the second respondent alleging that he owned the property comprised in Survey No.36/1 and he purchased stones to put up fencing. While being so, the first respondent and others have taken away the stones on 10.06.2019 and the same was questioned by the petitioner. The first respondent also restrained the petitioner and abused him with filthy language. However, the second respondent did not take any action on his complaint and had sent the complaint before the Superior Officer.

3. Therefore, the petitioner filed this petition for direction under Section 156(3) Cr.P.C in Cr.M.P(MD)No.1048 of 2020 by order dated 26.11.2020. The learned jurisdictional Magistrate directed the second respondent to register the case and file the report. However, the second respondent without registering the FIR, conducted an enquiry and confirmed that the allegations are false and filed the report before the learned jurisdictional Magistrate.



On receipt of the same, the petitioner filed the petition to produce the Referred Charge Sheet. However, the learned jurisdictional Magistrate recorded that the petitioner failed to appear before the second respondent and did not object the closure report. Once the learned Magistrate issued direction under Section 156(3) Cr.P.C, the second respondent ought to have registered FIR and conducted investigation. Admittedly, the second respondent without even registering an FIR, simply conduct the enquiry and closed.

4. Therefore, the second respondent is directed to register an FIR as directed by the learned Magistrate, in the order dated 26.11.2020 in Crl.M.P.No.1048 of 2020 and complete the investigation and file the final report.

5. The closure report as well as the order passed by the learned District Munsif cum Judicial Magistrate, Bhoothapandi in Crl.M.P No.1048 of 2020, dated 18.11.2021 are set aside and the Criminal Revision Case is allowed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

mga

To:-

1. The District Munsif cum Judicial Magistrate,  
Bhoothapandi.
2. The Inspector of Police,  
Keeriparai Police Station,  
Kanniyakumari District.
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1 CC to M/s.S.MUNIYANDI, Advocate ( SR-13777[F] dated 23/03/2022 )

Crl.R.C.(MD)No.293 of 2022  
23.03.2022

RK(19/04/2022) 2P 5C