



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2022

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD)No.8912 of 2021
and
Crl.M.P. (MD)No.8189 of 2021

Ramdoss ... Petitioner
Vs.

1.The Superintendent of Police,
Pudukkottai.

2.The Inspector of Police,
District Crime Branch,
Pudukkottai.

3.L.N.Nidhyandham ... Respondents

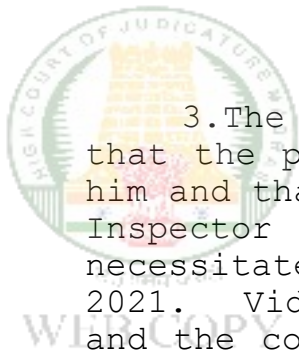
Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the 2nd respondent to conduct investigation as directed by learned Judicial Magistrate No.II, Pudukkottai in Cr.M.P.No.361 of 2021 dated 23.03.2021 and consequently direct the 2nd respondent to register FIR as against the 3rd respondent on the basis of the complaint dated 29.12.2020 preferred by the petitioner.

For Petitioner : Mr.K.Baalasundharam
For Respondents : Mr.B.Thanga Aravindh,
Govt. Advocate (Crl. Side) for R1 & R2.
Mr.P.Chandrasekaran for R3.

O R D E R

Heard the learned counsel for the petitioner, the learned Government Advocate (Crl. Side) for the respondents 1 and 2 and the learned counsel for the third respondent.

2.The grievance of the petitioner is that even though the jurisdictional Magistrate passed an order under Section 156(3) of CrPC on 23.03.2021, the second respondent instead of registering an FIR and conducting investigation had straightaway filed a closure report.



3.The learned counsel for the third respondent would point out that the petitioner had earlier filed a criminal complaint against him and that a coercive compromise was arrived at under the aegis of Inspector of Police, District Crime Branch, Pudukkottai. That necessitated the third respondent to file Crl.O.P.(MD)No.1776 of 2021. Vide order dated 30.03.2021, the said petition was allowed and the compromise deed dated 02.06.2020 was quashed. Challenging the same, the petitioner herein filed S.L.P.(Crl.) No.8637 of 2021 before the Hon'ble Supreme Court. The said SLP was dismissed on 10.12.2021. In view of the dismissal of the SLP, according to the learned counsel for the third respondent, this criminal original petition is not maintainable.

4.In normal circumstances, when the jurisdictional Magistrate had given a direction under Section 156(3) of CrPC, the jurisdictional police ought to register an FIR and then only file the final report. In the case on hand, the direction of the jurisdictional Magistrate has not been complied with. Yet, I am not in a position to grant any relief to the petitioner herein because the Hon'ble Supreme Court while dismissing the petitioner's SLP had specifically observed that dismissal of the SLP would not come in the way of the petitioner to invoke civil remedies in accordance with law. The learned counsel for the third respondent would also point out that in the paper book filed by the petitioner in the said SLP, the subsequent complaint as well as the order dated 23.03.2021 in Cr.M.P.No.361 of 2021 passed by the Judicial Magistrate No.II, Pudukkottai were enclosed. Therefore, I must take it that the subsequent developments had also come to the notice of the Hon'ble Supreme Court. It is not open to this Court to interpret the order passed by the Hon'ble Supreme Court. Therefore, this criminal original petition stands dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2022

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.



- +1 CC to M/s.P.CHANDRASEKARAN, Advocate (SR-2064[F] dated 21/01/2022)
- +1 CC to M/s.P.CHANDRASEKARAN, Advocate (SR-1973[F] dated 21/01/2022)

RD (02.02.2022) 3P 7C