



Crl.R.C.(MD)No.574 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 24.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.574 of 2022

R.R.P.Nagarajan

... Petitioner/Petitioner/
De-facto Complainant

vs.

1.D.Manikandan

2.S.Prakash

...Respondents/Respondents/
Accused Persons

PRAYER : This Criminal Revision Petition has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the records pertaining to the order dated 30.05.2022 passed in Cr.M.P.No.3418 of 2022 on the file of the learned Judicial Magistrate No.IV, Madurai and set aside the same.

For Petitioner : Mr.S.Muniyandi

ORDER

This Criminal Revision Petition is directed against the order passed in Cr.M.P.No.3418 of 2022, dated 30.05.2022 dismissing the petition filed under Section 156 (3) of Cr.P.C.



2.The learned Magistrate by observing that the petitioner can very well file a private complaint under Section 200 of Cr.P.C. and also by observing that there was no material to grant the relief as claimed by the petitioner, dismissed the petition.

3.The learned counsel for the petitioner would submit that the learned Magistrate should have taken cognizance on the basis of the particulars furnished in the petition itself, that the learned Magistrate has failed to follow the procedure laid down under Section 200 of Cr.P.C., that though the learned Magistrate is having power either to proceed under Section 156(3) of Cr.P.C or under Section 200 of Cr.P.C., has simply rejected the petition and that therefore, the impugned dismissal order is legally unsustainable.

4.A cursory perusal of the impugned order would reveal that the learned Magistrate has considered the petition and came to a finding that the dispute canvassed by the petitioner is of civil in nature. Moreover, the learned Magistrate by holding that there is no need to forward the complaint for registration of FIR and for investigation, dismissed the petition. Moreover, the petitioner has filed the above petition under



Section 156(3) of Cr.P.C., with a specific prayer to forward his petition to the Inspector of Police for registration of FIR and for investigation.

Even according to the petitioner, the learned Magistrate has rightly held that the petitioner can file a private complaint under Section 200 of Cr.P.C. Since the learned Magistrate has specifically observed that the petitioner can very well prefer a complaint under Section 200 of Cr.P.C., the impugned order dismissing the petition filed under Section 156(3) of Cr.P.C. cannot be found fault with.

5.Considering the above, this Court decides that the above revision is devoid of merits and the same is liable to be dismissed.

6.Accordingly, this Criminal Revision Petition is dismissed. The petitioner is at liberty to file a private complaint under Section 200 of Cr.P.C., and on filing of such complaint, the learned Judicial Magistrate No.IV, Madurai, is directed to proceed in accordance with law.

24.06.2022

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K.MURALI SHANKAR, J.

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To

- 1.The Judicial Magistrate No.IV, Madurai.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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