



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2022

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C. (MD) No.846 of 2021

WEB COPY

Subbu alias Venkatasubramanian

...Petitioner/Petitioner-
Complainant

Vs.

1.Alagesan

2.Vijay

3.Saravanan

4.Kannan

5.Raja

...Respondents/
Proposed Accused

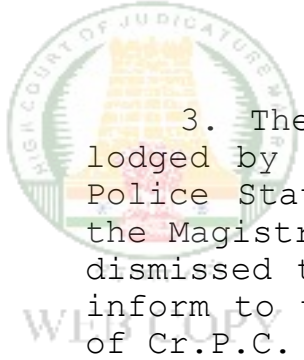
PRAYER: Criminal Revision Case filed under Section 397 and 401 Cr.P.C. praying to call for the records in CRMP No.2861 of 2021 (online CRMP No.8237 of 2021) on the file of the Judicial Magistrate No.5, Trichy, dated 22.10.2021, and set aside the same, by allowing this revision.

For Petitioner : Mr.R.Sundar
For R-1 to R-5 : No appearance

ORDER

This Criminal Revision Petition has been filed challenging the order passed in CRMP No.2861 of 2021(online CRMP No.8237 of 2021) on the file of the learned Judicial Magistrate No.5, Trichy, dated 22.10.2021.

2. The petitioner lodged a complaint as against the respondents herein before the Inspector of Police, Somarasampettai Police Station and he was issued CSR.No.88 of 2021. However, the Inspector of Police, Somarasampettai Police Station failed to register any case and as such, the petitioner was constraint to file a private complaint before the learned Judicial Magistrate No.5, Tiruchirappalli for direction under Section 156(3) of Cr.P.C. However, it was dismissed for the reason that the petitioner failed to produce the order passed in CSR No.88 of 2021 and he only produced a copy of the complaint dated 09.04.2021. Therefore, the petitioner, without exhausting the remedy under Section 154(3) of Cr.P.C., namely, without sending any complaint before the Superintendent of Police, approached the learned Judicial Magistrate directly.



3. The grievance of the petitioner is that, on the complaint lodged by the petitioner, the Inspector of Police, Somarasampettai Police Station did not take any action and as such, he approached the Magistrate Court. However, the learned Judicial Magistrate have dismissed the complaint on the ground that the petitioner failed to inform to the higher officials as contemplated under Section 154(3) of Cr.P.C.

4. Considering the above facts and circumstances, the impugned order, passed by the learned Judicial Magistrate No.5, Tiruchirappalli, dated 22.10.2021, in CRMP No.2861 of 2021, is set aside and the matter is remanded back for fresh disposal by the Judicial Magistrate concerned. It is made clear that the learned Judicial Magistrate No.5, Tiruchirappalli, is directed to pass orders on merits and in accordance with law within a period of two (2) weeks from the date of receipt of a copy of this order.

5. Accordingly, this Criminal Revision Case is allowed.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm

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

The Judicial Magistrate No.5,
Tiruchirappalli.

Cr1.R.C. (MD) No.846 of 2021
16.02.2022

MGJ(01.03.2022) 2P 2C