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Crl.R.C.(MD).No.1007 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2022

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

Crl.R.C.(MD).No.1007 of 2022

Kadarkarai

... Petitioner

Vs.

1.The Inspector of Police,
Thenkarai Police Station,
Periyakulam,
Theni District.

2.Balamurugan

... Respondents

PRAYER: This Civil Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for the records and set aside the impugned order passed in Crl.M.P.No.1637/2022 dated 08/08/2022 dated 08/08/2022 on the file of the Judicial Magistrate Court, Periyakulam, Theni by allowing the above Criminal Revision Petition.

For Petitioner : Mr.K.Rajeshwaran

For Respondents : Mr.RMS.Sethuraman for R1
Additional Public Prosecutor



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ORDER

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The criminal revision petition has been filed against the order passed in Crl.M.P.No.1637/2022 dated 08/08/2022 on the file of the Judicial Magistrate Court, Periyakulam, Theni.

2.The revision petitioner has filed a petition under Section 156(3) of Cr.P.C. seeking direction to the respondent to register a case on his complaint and investigate the matter. The date of complaint stated to be 11.03.2021. On the earlier hearing, the learned Additional Public Prosecutor submitted that original complaint that was filed by the petitioner was closed by the respondent. Regarding the statement on both sides, the enquiry file with regard to the above said complaint has been already produced. Perusal of enquiry file shows that the above said complaint is dated 08.03.2021 and the same was enquired in C.S.R.No.118 of 2021.

3.According to the learned counsel for the petitioner, subsequent to the above said closure only the above said second occurrence said to have been taken place, in which his property has been damaged. Over which the complaint dated 11.03.2021 has been lodged. That was not properly enquired. Hence, he filed the petition before the concerned Court, seeking



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direction to register the case. It was dismissed based on the civil dispute.

Since there is a allegation causing damage to his property, the trial Court ought to have referred the matter for investigation. That was not done.

4.The learned Additional Public Prosecutor submitted that the complaint dated 11.03.2021, was not received by the respondent so far. It was given to the Superintendent of Police, Theni. That was not forwarded so far. He would further submit that the respondent police is ready to enquire the matter if fresh complaint is given. The counsel for the petitioner submitted that the petitioner is ready to give a fresh complaint before the respondent police.

5.In view of the submission made on either side, there shall be a liberty to petitioner to give a fresh complaint within a period of one week from the date of receipt of a copy of this order. If any fresh complaint is filed, the same may be enquired by the respondent police in accordance with law, without consideration of the earlier closure order, since according to the learned counsel for the petitioner it is the second occurrence subsequent to the above said closure. Depending upon the outcome of the enquiry, if the petitioner still have any grievance, then he can workout his remedy in



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accordance with law.

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6.With the above said directions, this criminal revision case is disposed of.

03.11.2022

Index : Yes / No
Internet : Yes / No
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To

- 1.The Judicial Magistrate, Periyakulam.
- 2.The Inspector of Police,
Thenkarai Police Station,
Periyakulam,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGOVAAN,J.

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