



WEB COPY



Crl.R.C.No.556 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2023

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.R.C.No.556 of 2023

R.Eshwaramurthy

... Petitioner

/vs/

1. The State rep by
The Inspector of Police,
J-9, Thoraipakkam Police Station,
Thoraipakkam,
Chennai 600 097.

2. R.Vijay Kumar.

3. R.Manikam

... Respondents

Prayer : Criminal Revision Case filed under section 397 and 401 of Cr.P.C, to set aside the judgment of the learned Judicial Magistrate No.II, Alandur in C.M.P.No.2541 of 2022 dated 07.10.2022 and allow this criminal revision case.

For petitioner	... Ms.E.Gomathi
For Respondent-1	... Mr.R.Vinothraja, Government Advocate (Crl.Side)
For Respondent-2	...Ms.Vasavi Sridevi
For Respondent-3	...Mr.N.Rajkumar



ORDER

Challenging the judgment dated 07.10.2022 passed by the learned Judicial Magistrate No.II, Alandur in C.M.P.No.2541 of 2022, this Criminal Revision is filed by the petitioner.

2. Though the petitioner has challenged the dismissal of his petition filed under Section 156(3) of Cr.P.C before the trial Court to direct the respondent Police to register the complaint, investigate and file a final report. On perusal of the records, it is seen that the petitioner had not filed any complaint before the learned Judicial Magistrate for forwarding the same under Section 156(3) Cr.P.C to the respondent Police and he has only filed an affidavit and petition before the trial Court, which cannot be treated as a complaint. Therefore, this revision is unsustainable.

3. However, the learned counsel for the petitioner seeks liberty of this Court to file a fresh complaint before the Judicial Magistrate.



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4. Accordingly, this revision is dismissed. However, the petitioner is at liberty to file a fresh complaint before the Judicial Magistrate and if any complaint is filed, the learned Magistrate is directed to consider the said complaint on merits and pass appropriate orders in accordance with law.

03.04.2023

srn

To

1. The Inspector of Police,
J-9, Thoraipakkam Police Station,
Thoraipakkam,
Chennai 600 097.
2. The Public Prosecutor, High Court, Madras



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V.SIVAGNANAM, J.

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