



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.07.2023

Coram:

The Hon'ble Mrs.Justice R.HEMALATHA

**Crl.R.C.No.1208 of 2023
and Crl.M.P.No.9498 of 2023**

1.Chinnasamy
2.Raman
3.Duraisamy

...Petitioners

Versus

1.Periyannan

2.The Inspector of Police,
Karimangalam Police Station,
Karimangalam, Dharmapuri.

...Respondent

This Criminal Revision Case is filed under Sections 397 r/w. 401 of Cr.P.C. praying to set aside the order in Crl.M.P.No.91 of 2023 dated 24.05.2023 on the file of District Munsif cum Judicial Magistrate, Karimangalam.

For Petitioner : Mr.M.Selvam

For Respondent - 2 : Mr.R.Vinothraja,
Government Advocate (Crl.Side)



ORDER

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Aggrieved over the inaction on the part of the respondent police in taking cognizance of the offence mentioned in the complaint preferred by the complainant, the complainant approached the District Munsif cum Judicial Magistrate, Karimangalam by filing a petition under Section 156(3) Cr.P.C seeking direction to the concerned police to register FIR on the basis of his complaint against the accused for the alleged offences under Sections 294(b), 427, 447 & 506(ii) I.P.C.

2. The learned District Munsif cum Judicial Magistrate, Karimangalam after perusing the complaint, directed the second respondent/Inspector of Police, Karimangalam Police Station, Karimangalam, Dharmapuri to register an FIR and investigate the case and to file a final report, pursuant to which, an FIR in Crime No.273/2023 of Karimangalam Police Station was registered.

3. Mr.M.Selvam, learned counsel for the revision petitioners/Accused 1 to 3 contended that as per Section 156(3) of Cr.P.C, a learned Magistrate



can refer any complaint for investigation by the Police Officer, but, he cannot direct the Police Officer to file a final report. In the instant case, the learned District Munsif cum Judicial Magistrate, Karimangalam has exceeded her jurisdiction by directing the second respondent police to file a final report.

4. The word 'final report' does not necessarily mean positive final report. Moreover, the learned District Munsif cum Judicial Magistrate, Karimangalam had directed the second respondent police to investigate the case as per law and if the Police Officer comes to a conclusion that no offence is made out as alleged by the first respondent/complainant, he can always file a referred Charge Sheet/Negative Final Report before the concerned Court. Hence, I do not find any reason to interfere with the order passed by the trial Court since pursuant to the directions issued by the learned District Munsif cum Judicial Magistrate, Karimangalam, the second respondent police has already registered the FIR against the petitioners/Accused 1 to 3 in Crime No.273 of 2023 and the investigation is in progress.



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5. In the result, this criminal revision case is dismissed as devoid of merits. Consequently, connected miscellaneous petition is closed.

27.07.2023

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Index: Yes/No

To

- 1.The Inspector of Police,
Karimangalam Police Station,
Karimangalam, Dharmapuri.
- 2.The Public Prosecutor,
High Court, Madras.



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R.HEMALATHA, J.

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CrI.R.C.No.1208 of 2023

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