



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.16229 of 2023

Bakkiavathy

...Petitioner

Vs

1.The Superintendent of Police,
Tiruppur District Police Superintendent Office,
Tiruppur,
Tiruppur District.

2.The Inspector of Police,
District Crime Branch,
Tiruppur District Police Superintendent Office,
Tiruppur,
Tiruppur District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the 2nd return docket order dated 01.06.2023 passed by the learned Judicial Magistrate No.II, Tiruppur in Crl.M.P.Unnumbered of 2023 and consequently, direct the respondents to register the FIR on the complaint dated 25.07.2022 lodged by the petitioner.

For Petitioner : Mr.K.S.Murugan

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor



ORDER

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This criminal original petition has been filed challenging the docket order passed by the Court below returning back the application filed under Section 156(3) of Cr.P.C., on the ground that the petitioner has not followed the procedure under Section 154(1) and 154(3) of Cr.P.C.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor.

3. Section 156 (3) of Cr.P.C., is preceded by Section 154 of Cr.P.C. The first stage is under Section 154(1) where the complaint/information regarding the cognizable offence is given to the officer in-charge of the police station. If that officer does not take any action, the next stage is under Section 154(3) of Cr.P.C., to give a complaint to the higher officer viz., the Superintendent of Police. If no action is taken even thereafter, the Court exercises its power under Section 156(3) of Cr.P.C.

4. The Court below has merely stated that the petitioner has to comply with Sections 154(1) and 154(3) of Cr.P.C., and accordingly, returned back the application.



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This return endorsement does not require the interference of this Court. It is left open to the petitioner to comply with the same and re-present the application or the petitioner can file a private complaint under Section 200 of Cr.P.C. Except giving this clarity, no further orders can be passed in this criminal original petition.

5.This Criminal Original Petition is disposed of accordingly.

20.07.2023

Index : Yes/No
Speaking order:Yes/No
Neutral citation:Yes/No
ssr

To

- 1.The Judicial Magistrate No.II, Tiruppur.
- 2.The Superintendent of Police,
Tiruppur District Police Superintendent Office,
Tiruppur,
Tiruppur District.
- 3.The Inspector of Police,
District Crime Branch,
Tiruppur District Police Superintendent Office,
Tiruppur,
Tiruppur District.
- 4.The Public Prosecutor,
High Court, Madras.



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N.ANAND VENKATESH, J

SSR

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