



CrI.O.P.(MD)No.2474 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.02.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

CrI.O.P.(MD)No.2474 of 2023

N.Senthilnathan

: Petitioner

Vs.

1.The Superintendent of Police,
O/o.The Superintendent of Police,
Madurai District.

2.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Samayanallur, Madurai District.

3.The Inspector of Police,
Samayanallur Police Station,
Madurai District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to call for the records of the order in Cr.M.P.No.2663 of 2022, dated 04.07.2022 and order dated 10.10.2022 in Cr.M.P.No.2663 of 2022 passed by the learned Judicial Magistrate, Vadipatti, Madurai District and set aside the same and consequently direct the third respondent to register the complaint and to complete the investigation in accordance with law.



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For Petitioner : Mr.N.Raja,
for Mr.S.Malaikani

For Respondents : Mr.SS.Madhavan,
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition filed, under Section 482 Cr.P.C., seeking orders, to call for the records of the order in Cr.M.P.No.2663 of 2022, dated 04.07.2022 and order dated 10.10.2022 in Cr.M.P.No.2663 of 2022 passed by the learned Judicial Magistrate, Vadipatti, Madurai District and set aside the same and consequently direct the third respondent to register the complaint and to complete the investigation in accordance with law.

2. The learned counsel for the petitioner would submit that the petitioner has filed a petition under Section 156(3) Cr.P.C and the learned Magistrate has directed the jurisdictional Police to conduct enquiry and to submit a report within one month and in pursuance of the direction, the third respondent has filed a report and that the learned Magistrate, after hearing the petitioner in person and perusing the negative report filed by the third respondent, closed the Cr.M.P.No.2663 of 2022, by observing that the petitioner is entitled to file a private complaint.



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3. The main contention of the petitioner is that the third respondent has filed the report with delay and that they have not considered the complaint under the provisions of SC/ST (POA) Act.

4. The learned Government Advocate (Criminal Side) appearing for the State would submit that the respondent, after conducting enquiry, has given a decision that the dispute is of civil in nature and on that basis, the report was submitted to the jurisdictional Court.

5. Considering the above, the impugned order passed by the learned Judicial Magistrate cannot be found fault with. Hence, the Criminal Original Petition is dismissed. The petitioner is at liberty to file a private complaint, if so advised.

07.02.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
das



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To

- 1.The Superintendent of Police,
O/o.The Superintendent of Police,
Madurai District.
- 2.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Samayanallur, Madurai District.
- 3.The Inspector of Police,
Samayanallur Police Station,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.2474 of 2023

Dated: 07.02.2023