



Crl.R.C.(MD) No.492 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.492 of 2023

M.Sarathi

: Petitioner/Petitioner

Vs.

State rep.by
The Inspector of Police,
Ottanchathiram Police Station,
Ottanchathiram, Dindigul District.
(Crime No.405 of 2018)

: Respondent/Respondent

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to set aside the order, dated 06.10.2022 passed in Crl.M.P.No.1122 of 2018 on the file of the learned Judicial Magistrate, Ottanchathiram, Dindigul District.

For Petitioner : Mr.A.C.Asaithambi,

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl. Side)



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ORDER

This Criminal Revision Petition is directed against the order passed in CrI.M.P.No.1122 of 2018, dated 06.10.2022 on the file of the learned Judicial Magistrate, Ottanchathiram, Dindigul District, dismissing the petition for default.

2. It is evident from the records that the petitioner has filed a petition under Section 156(3) Cr.P.C, seeking directions to register the case and the same was taken on file in CrI.M.P.No.1122 of 2018, and that the learned Magistrate has passed an order, dated 26.03.2018, forwarding the said petition to the Station House Officer, Ottanchathiram under Section 156(3) Cr.P.C, wherein the Station House Officer was directed to follow the provisions under Sections 154 and 173 Cr.P.C. In pursuance of the said directions, FIR came to be registered in Crime No.408 of 2018, dated 26.06.2018, for the alleged offences under Sections 147, 294(b), 506(i), 420 of IPC and Section 4 of Tamil Nadu Prohibition of Charging Exorbitant Interest Act and that the respondent, after completing the investigation, has filed a final report, dated 28.08.2019 as action dropped.



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3. The learned Magistrate, after receipt of the final report has issued RCS notice to the petitioner/defacto complainant and on receipt of the same, the petitioner has entered into appearance. But despite granting sufficient opportunities, he has not chosen to file any protest petition nor raised any other objections. Consequently, the learned Magistrate by observing that since the defacto complainant has not appeared and he has also not filed any protest petition, despite sufficient opportunities, has passed the impugned order, dismissing the petition in Crl.M.P. No.1122 of 2018, for default.

4. As rightly contended by the learned Government Advocate (Criminal Side), the petition in Crl.M.P.No.1122 of 2018, was already disposed of, since the petition under Section 156(3) Cr.P.C., was forwarded to the concerned Police. The proper order would be that the learned Magistrate by accepting the negative report, should have closed the F.I.R.

5. Whatever it is, since the negative report was accepted and FIR was consequently ordered to be closed, the petitioner is certainly entitled to file a private complaint under Section 200 Cr.P.C, as there is absolutely no bar or prohibition, even after the acceptance of the negative report by the



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jurisdictional Magistrate. Hence, this Court concludes that the criminal revision is devoid of merit and the same is liable to be dismissed.

6. In the result, the Criminal Revision is dismissed. However, the petitioner is at liberty to file a private complaint, if so advised.

01.06.2023

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

To:-

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



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K.MURALI SHANKAR, J.

das

ORDER MADE IN
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