



Crl.R.C.(MD).No.520 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 04.07.2023

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.RC(MD)No.520 of 2023

and

Crl.MP(MD)No.7437 of 2023

P.Paulrajan

... Petitioner/Accused No.1

Vs.

1.The State through

The Inspector of Police,

Sivakasi East Police Station,

Sivakasi, Virudhunagar District.

... 1st Respondent/Respondent

2.M.Krishna

... 2nd Respondent/Complainant

3.P.Rathinaprabha

4.P.Praveen

5.J.Sreedhar

6.V.Chidambarakkani

7.N.Pradeep

8.V.Shenbagakumar

... Respondents 3 to 8/Accused No.2 to 7

PRAYER: Criminal Revision Petition has been filed under Section 397 r/w 401 of Cr.P.C., to call for the records pertaining to the order dated 22.02.2023 in Crl.MP(MD)No.1159 of 2023 by the learned Judicial Magistrate Court No.II, Sivakasi and set aside the order by allowing this Revision.



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For Petitioner : Mr.M.Kannan
For R1 : R.Sivakumar,
Government Advocate (Crl.Side)
For R2 : Mr.C.Susi Kumar
For R3 to R8 : No Appearance

ORDER

This petition has been filed by the petitioner to set aside the order passed by the Judicial Magistrate Court No.II, Sivakasi, in Crl.MP(MD)No.1159 of 2023, dated 22.02.2023.

2.The said Crl.MP(MD)No.1159 of 2023 has been filed by the second respondent/defacto complainant under Section 156(3) of Cr.P.C to take necessary action against the accused on the complaint given to the Superintendent of Police, Virudhunagar, dated 13.01.2023. The the Judicial Magistrate Court No.II, Sivakasi, has passed the following order:-

“Information presented his/her information before respondent police station and Higher Police Official according to law. No preliminary inquiry report filed by the Informant. On perusal of records, if Preliminary inquiry is conducted cognizable offence/is may be revealed. Therefore as per dictum of Hon'ble Supreme Court of India in Lalitha Kumari Vs. Govt. of U.P Citation: 2012(4) SCC 1 the officer in charge of Sivakasi East Police Station not below the rank



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of Sub Inspector of Police is hereby directed to conduct preliminary inquiry on this information. On inquiry, if any cognizable offence/is/are made out, then he/she is set liberty to register first information report and investigate the same as per law. If there is no any cognizable offence is made out you are hereby directed to file that inquiry report before this on or before 23.03.2023.”

3. Challenging the same, the petitioner/proposed accused namely, P.Paulrajan has filed this Revision before this Court.

4. When the matter is taken up for hearing, the learned Government Advocate (Crl.Side) on instructions submitted that as per the direction of Judicial Magistrate Court No.II, Sivakasi, enquiry was conducted and on enquiry, it was found that the matter is civil in nature and hence, the parties were directed to work out their remedy before the Civil Forum.

5. The learned Government Advocate (Crl.Side) is directed to serve the copy of the enquiry report. On receipt of the same, it is open to the second respondent to agitate his grievance before the Trial Court.



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K.K.RAMAKRISHNAN, J.

dss

6.With the above direction, this Criminal Revision Case is dismissed.
Consequently, connected miscellaneous petition is closed.

04.07.2023

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
dss

To

- 1.The Judicial Magistrate Court No.II,
Sivakasi.
2. The Inspector of Police,
Sivakasi East Police Station,
Sivakasi, Virudhunagar District.
- 3.The Section Officer,
Criminal Records,
Madurai Bench of Madras High Court,
Madurai.

CrI.RC(MD)No.520 of 2023
and
CrI.MP(MD)No.7437 of 2023