



Crl.R.C.(MD) No.531 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

Crl.R.C.(MD)No.531 of 2023
and
Crl.M.P.(MD)Nos.7662 of 2023

C.Nethaji : Petitioner/1st Respondent

Vs.

1.The Inspector of Police,
District Crime Branch,
Tirunelveli, Tirunelveli District.

2.M.Arunachalam

3.Kamaraj : Respondents

Prayer : This Criminal Revision has been filed under Section 397 r/w 401 of Criminal Procedure Code, to call for the entire records pertaining to the order dated 24.04.2023 passed in Cr.M.P.No.9549 of 2023 on the file of the learned Judicial Magistrate No.I, Tirunelveli and set aside the same as illegal.

For Petitioner : Mr.B.Brijesh Kishore

For R1 : Mr.R.Sivakumar
Government Advocate (Crl. Side)

For R2 : Mr.M.Maharaja

For R3 : No Appearance



Crl.R.C.(MD) No.531 of 2023

ORDER

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This Criminal Revision Petition is directed against the order passed in Cr.M.P.No.9549 of 2023, dated 24.04.2023, on the file of the learned Judicial Magistrate No.I, Tirunelveli.

2. It is seen from the records that the second respondent has filed a petition under Section 156(3) Cr.P.C before the Judicial Magistrate Court and the learned Magistrate, upon perusing the complaint and other records and on hearing the complainant side, has passed the impugned order, dated 24.04.2023, directing the respondent/District Crime Branch, Tirunelveli, to make a preliminary enquiry and take necessary action as per law and file a report before this Court under Section 156(3) Cr.P.C. Challenging the said order, the proposed accused has come forward with the present revision.

3. At the outset, the proposed accused has nothing to say in the pre-cognizable stage and moreover, the learned Magistrate has only forwarded the complaint under Section 156(3) Cr.P.C, directing the Inspector of Police, District Crime Branch, to conduct preliminary enquiry and to take necessary action and submit a report.



Crl.R.C.(MD) No.531 of 2023

WEB COPY

4. As per the dictum laid down in the case of ***Lalita Kumari Vs. Government of Uttar Pradesh and Others*** reported in ***(2014) 2 SCC 1***, if a compliant is forwarded to the jurisdictional Police under Section 156(3) Cr.P.C, to conduct enquiry, then the concerned Police is duty bound to conduct enquiry for the limited purpose of ascertaining as to whether any cognizable offence is made out and in case, if cognizable offence is made out, then the Police has no other option, but to register the FIR and then to proceed with the investigation.

5.The learned Government Advocate (Criminal Side) appearing for the State would submit that the enquiry is still pending and in view of the stay granted by this Court, the same was stayed.

6. Since the enquiry is pending before the first respondent Police and the first respondent is yet to ascertain as to whether any cognizable offence is made out, the petitioner has no right to intervene at this stage of the case; Hence, this Court concludes that that the criminal revision is devoid of merits and the same is liable to be dismissed.



Crl.R.C.(MD) No.531 of 2023

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7. In the result, the Criminal Revision is dismissed. Consequently, connected Miscellaneous Petition is closed.

08.06.2023

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

To:-

- 1.The Judicial Magistrate No.I,
Tirunelveli.
- 2.The Inspector of Police,
District Crime Branch,
Tirunelveli, Tirunelveli District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.R.C.(MD) No.531 of 2023

K.MURALI SHANKAR, J.

das

ORDER MADE IN
Crl.R.C.(MD)No.531 of 2023
and
Crl.M.P.(MD)Nos.7662 of 2023

08.06.2023