



CrI.O.P.(MD)No.13054 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **20.07.2023**

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

CrI.O.P.(MD) No.13054 of 2023

Anu Codlin

... Petitioner

Vs.

1.Pejilson

2.Deva Johnson

3.Premalatha

4.Lal

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to set aside the docket order dated 23.03.2023 made in CrI.M.P.SR.No.1800 of 2023 on the file of the learned Judicial Magistrate Court, Eraniel and consequently, issue a direction to the learned Judicial Magistrate Court, Eraniel, to number the same and take it on its file and dispose the same on merits and in accordance with law.

For Petitioner : Mr.F.Deepak

ORDER

This Criminal Original Petition is filed challenging the docket order passed by the learned Judicial Magistrate, Eraniel in CrI.M.P.(SR).No.1800 of 2023 on 23.03.2023 and for a consequential



direction to the learned Judicial Magistrate, Eraniel to consider the petition filed by the petitioner under Section 156(3) Cr.P.C against the respondents.

2. It is submitted by the learned counsel appearing for the petitioner that the learned Judicial Magistrate has returned the petition on the ground that the entire offence alleged by the petitioner took place in Chennai and therefore, the Police in Madurai will not have a territorial jurisdiction to investigate the alleged offence.

3. It is to be noted that the petitioner/victim, who is stated to have been assaulted by the respondents, can be permitted to file a complaint before the Police, Madurai. The Courts cannot compel the victim to go over to a place where the alleged offence stated to have been committed and file a complaint. Once the case has been registered by the Police, in case, if the Police in Madurai concludes that no offence is taken place in the territorial jurisdiction of Madurai, the Police in Madurai can also transfer the FIR to the Chennai Police for further investigation.

4. Considering the circumstances of the case, this Criminal Original Petition is disposed of, directing the petitioner to resubmit the



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complaint before the concerned Judicial Magistrate within a period of two weeks from the date of receipt of a copy of this order and on filing of such application, the concerned learned Judicial Magistrate is directed to number it, if it is otherwise in order and dispose of the same in accordance with law.

20.07.2023

Index : Yes/No
Internet : Yes/No
ssb

To

The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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DR.D.NAGARJUN. J.

ssb

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