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Crl.R.C.No.1716 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

Crl.R.C.No.1716 of 2024

N.G.R.Ilangovan

... Petitioner

Vs

1. The Superintendent of Police (South),
SP Office,
Mariyamman Koil Street,
Karaikal.

2. The Station House Officer,
Town Police Station,
Karaikal

... Respondents

PRAYER: Criminal Revision Case filed under Section 397 read with 401 of Cr.P.C., to call for the entire records pertaining to the order passed by the learned Judicial Magistrate Court -I, Karaikal in Crl.M.P.No.333 of 2024 dated 15.06.2024 and set aside the same and consequently direct the learned Magistrate to entertain and allow the petitioner's application filed in terms of section 156(3) of Cr.P.C., with a direction to the respondents police for registration of an F.I.R by allowing the Criminal Revision Petition.

For Petitioner : Mr.E.V.Chandru@Chandrasekaran



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For Respondents : Mr.K.S.Mohandas,
Additional Public Prosecutor
(Pondicherry)
Assisted by Mr.A.Alexander
Government Advocate

ORDER

This Criminal Original Petition has been filed to call for the entire records pertaining to the order passed by the learned Judicial Magistrate Court -I, Karaikal in Crl.M.P.No.333 of 2024 dated 15.06.2024 and set aside the same and consequently ,direct the learned Magistrate to entertain and allow the petitioner's application filed in terms of Section 156(3) of Cr.P.C., with a direction to the respondents/ police for registration of an F.I.R.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the official respondents and perused the materials available on record.

3. Learned counsel for the petitioner submitted that the petitioner



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made complaints before the second respondent police on 10.11.2023 and 28.11.2023. Since the respondents did not take action on the same, he filed a petition in Crl.M.P.No.333 of 2024 under Sections 154 & 156(3) Cr.P.C before the learned Judicial Magistrate No.I, Karaikal, seeking a direction to the respondents to investigate the matter. The learned Magistrate dismissed the petition stating that the alleged act is only a non cognizable offence for which petition under Section 156(3) Cr.P.C., is not maintainable. Hence, this petition.

4. Learned Additional Public Prosecutor appearing for the respondents submitted that the petitioner's compound wall was damaged by some unknown persons on the ground of public interest ie., for free flow of stagnant rain water from the residential areas of the village. As the petitioner belongs to a political party, he has been repeatedly making false allegations. On the petitioner's complaint, a detailed enquiry report has been submitted before the first respondent police. Meanwhile, the petitioner filed a petition before the Judicial Magistrate, Karaikal and the same was rightly dismissed.

5. Considering the submissions made by both the parties, the



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order dated 15.06.2024 passed in Crl.M.P.No.333 of 2024 on the file of the learned Judicial Magistrate Court -I, Karaikal is set aside and the learned Judicial Magistrate No.I, Karaikal is directed to take the petitioner's complaint and proceed further in accordance with law after giving opportunity to all the parties.

6. With the abovesaid direction, The Criminal Revision Case is allowed.

29.11.2024

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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To
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1. The Judicial Magistrate No.I, Karaikal.
2. The Superintendent of Police (South),
SP Office,
Mariyamman Koil Street,
Karaikal.
3. The Station House Officer,
Town Police Station,
Karaikal.
4. The Public Prosecutor,(Pudhucherry)
High Court, Chennai.



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P.VELMURUGAN, J.

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