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CrI.R.C.No.1968 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

CrI.R.C.No.1968 of 2024  
and CrI.RC.No.16091 of 2024

Jaffar Sathik

... Petitioner

Vs.

1.The Inspector of Police,  
Mangalamedu Police Station,  
Perambalur District.

2.A.S.Sathikbasha

... Respondents

PRAYER: Criminal Revision Case filed under Section 438 r/w. 442 of BNSS to set aside the order dated 09.09.2024 passed in CrI.M.P.No.955 of 2024 by the learned District Munsif cum Judicial Magistrate at Kunnam and thereby directing the 1<sup>st</sup> respondent to take necessary action by forwarding a complaint of the 2<sup>nd</sup> respondent dated nil without assigning any reason.

For Petitioner : Mr.G.Ilamurugu

For R1 : Mr.V.J.Priyadarsana  
Government Advocate (CrI. Side)



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## ORDER

The revision petition challenges the order passed by the learned Magistrate forwarding the complaint given by the second respondent herein to the first respondent for taking necessary action in accordance with law and closed the Criminal Miscellaneous Petition.

2.The learned counsel for the petitioner would submit that the complaint does not disclose any cognizable offence and the learned Magistrate instead of forwarding the complaint to the respondent ought to have dismissed the petition filed under Section 156(3) of Cr.P.C. and submitted that no notice was issued by the learned Magistrate before passing such an order.

3.The learned Government Advocate (Crl. Side), on instructions, would submit that the first respondent is conducting preliminary enquiry and the petitioner is not co-operating in the said enquiry.



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4.A perusal of the order passed by the learned Magistrate which is impugned would show that the learned Magistrate has not given any positive direction to register the FIR. The complaint has only been forwarded to the first respondent. Therefore, the petitioner cannot be said to be aggrieved. Further, no notice need to be issued to the petitioner at this stage. Therefore, this Court finds no infirmity in the order of the learned Magistrate. If the petitioner is called for enquiry, it is open to him to putforth his case before the respondent, if no cognizable offence is made out as against him.

5.With the above observations, the Criminal Revision stands dismissed. Consequently, connected miscellaneous petition is closed.

19.11.2024

Index:Yes/No  
Speaking Order/Non-Speaking Order  
Neutral Citation: Yes/No

*cse*



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SUNDER MOHAN, J.

*cse*

To

- 1.The Inspector of Police,  
Mangalamedu Police Station,  
Perambalur District.
- 2.The District Munsif cum Judicial Magistrate,  
Kunnam.
- 3.The Public Prosecutor,  
High Court, Madras.

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