



CrI.O.P.(MD)No.5865 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.11.2024

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CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.O.P.(MD) No.5865 of 2023

Ayya Pillai

... Petitioner

Vs.

1.The Inspector of Police,
North Police Station,
Rajapalayam,
Viruthunagar District.

2.M.Murugesan

3.A.Lakshimanam

4.N.Pappa

5.M.Muthulakshmi

6.M.Murugan

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to set aside the order passed by the learned Judicial Magistrate, Rajapalayam in CrI.M.P.No.6444 of 2019, dated 23.04.2022 and consequently direct the first respondent to register the FIR and conduct an investigation as per the Cr.P.C.

For Petitioner

: Mr.K.Sathiyasingh



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For R-1 : Mr.S.Ravi,
Additional Public Prosecutor

For R-2 to R-6 : Mr.N.Tamil Mani

ORDER

This petition has been filed challenging the order passed by the learned Judicial Magistrate, Rajapalayam in Crl.M.P.No.6444 of 2019 dated 23.04.2022, rejecting the application filed by the petitioner under Section 156(3) of Cr.P.C. based on the report submitted by the respondent Police.

2. Heard the learned counsel appearing for the petitioner, the learned Additional Public Prosecutor appearing for the first respondent and the learned counsel appearing for respondent Nos.2 to 6.

3. In the considered view of this Court, the order passed under Section 156(3) of Cr.P.C. rejecting the application is a revisable order. Hence, the petitioner ought to have filed a criminal revision before the concerned Court. Instead, a petition under Section 482 of Cr.P.C. has been filed before this Court and the same is not maintainable. That apart, the right of the petitioner to file a private complaint is not taken away just because an application filed under Section 156(3) of Cr.P.C, has been



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rejected. This is in view of the fact that a private complaint can be taken cognizance by the learned Judicial Magistrate even if it makes out only a non cognizable offence. In other words, when a private complaint is filed before the learned Judicial Magistrate, the issue regarding the cognizable offence and non cognizable offence pales into insignificance. That is the marked difference while exercising jurisdiction under Section 156(3) of Cr.P.C and exercising the jurisdiction under Section 200 of Cr.P.C.

4. Except giving this clarity, no further orders can be passed in this Criminal Original Petition

5. This Criminal Original Petition is disposed of in the above terms.

19.11.2024

Index : Yes/No

Internet : Yes/No

TSG

To

1.The Judicial Magistrate, Rajapalayam.

2.The Inspector of Police,
North Police Station,
Rajapalayam,
Viruthunagar District.



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

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N.ANAND VENKATESH. J.

TSG

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