



CrI.RC.(MD)No.935 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

CrI.RC.(MD)No.935 of 2024

B.Radhakrishnan

... Petitioner

Vs.

1.The Inspector of Police,
Bazaar Police Station,
Ramanathapuram District.

2.M.Sheik Manzoor,
Revenue Divisional Officer,
Ramanathapuram
Now at Office of the Commissioner of
Revenue Administration, Chennai.

3.Ravichandran,
Tahsildar,
Taluk Office, Ramanathapuram
Now at Land Acquisition Tahsildar,
For Highways Department,
Thiruvadanai Circle,
Collectorate Office,
Ramanathapuram.

... Respondents

PRAYER : Criminal Revision Case filed under Section 438 & 442 BNSS, to call for the records pertaining to the impugned dismissal order in Cr.M.P.No.905 of 2024 dated 27.03.2024 passed by the learned



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Judicial Magistrate No.I, Ramanathapuram and set aside the same and consequently direct the first respondent to register FIR against the second and third respondents by allowing the above criminal revision case.

For Petitioner : Mr.R.Murugan

For R1 : Mr.K.Sanjai Gandhi,
Government Advocate (CrI. Side)

ORDER

This criminal revision case is directed against the order passed in Cr.M.P.No. 905 of 2024 dated 27.03.2024 on the file of the Court of Judicial Magistrate No.I, Ramanathapuram dismissing the petition filed under Section 156(3) Cr.P.C.

2.It is evident from the records that the learned Magistrate, after considering the petition filed under Section 156(3) Cr.P.C. and perusing records produced, by observing that the dispute referred by the petitioner is of civil in nature, that the petitioner has raised issues concerning public interest and that the petitioner has not complied with the mandatory requirements as contemplated under Code of Criminal Procedure before filing petition under Section 156(3) Cr.P.C., dismissed the petition.



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3.The learned counsel appearing for the petitioner would submit that the petitioner has filed petition under Section 156(3) Cr.P.C., seeking direction to the first respondent to register a case and after such direction, the first respondent is duty bound to register FIR and then, proceed with the investigation, that the learned Magistrate ought to have issued a direction to the first respondent to register FIR and to investigate the case, but, by observing some irrelevant aspects has dismissed the petition.

4.It is settled law that in case, if the jurisdictional Police refuses to take the complaint on file and register FIR, then, the complainant has to send a complaint in writing to the Superintendent of Police of the concerned District and if no action is taken, then, complainant can very well invoke Section 156(3) Cr.P.C.

5.In the present case, the learned Magistrate has specifically observed that the petitioner has alleged that he has sent complaint to the Superintendent of Police, but, he has not produced any materials to substantiate the same. More over, the learned Magistrate further



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observed that the petitioner has already obtained orders from the said Court on 23.12.2022 and thereafter, again he has filed similar petition. The learned Magistrate, taking into account of all the above aspects has come to decision that no direction can be issued for registration of FIR in the petition filed under Section 156(3) Cr.P.C., and dismissed the same.

6.Considering the above, the impugned order dismissing the petition filed under Section 156(3) Cr.P.C., cannot be found fault with and this Court is in entirely agreement with the findings recorded by the learned Magistrate and therefore, this Court concludes that this revision is devoid of merits and the same is liable to be dismissed.

7.In the result, this criminal revision case is dismissed.

01.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Judicial Magistrate No.I,
Ramanathapuram.
- 2.The Inspector of Police,
Bazaar Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

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