



Crl.R.C.(MD).No.1169 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 14.02.2023

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THE HONOURABLE MR. JUSTICE P.VADAMALAI

Crl.R.C.(MD).No.1169 of 2023

and

CrI.M.P(MD).No.14892 of 2023

M.Navaneetham

.. Petitioner

Vs.

**1.The State through the
Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.**

2.R.Shanmugam

... Respondents

PRAYER: This Criminal Revision Case is filed under Sections 397 r/w 401 of the Criminal Procedure Code, to call for records and to set aside the impugned order dated 24.08.2023 passed by the learned Judicial Magistrate, Karaikudi in Cr.M.P.No.3557 of 2023.

For Petitioner : Mr.V.Kannan
For R1 : Mr.S.Manikandan
Government Advocate (Crl. Side)



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ORDER

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This Criminal Revision is filed to call for records and to set aside the impugned order dated 24.08.2023 passed by the learned Judicial Magistrate, Karaikudi in Cr.M.P.No.3557 of 2023.

2. At the outset the said prayer of the petitioner is not maintainable, as per the judgment of the Hon'ble Supreme Court reported in the case of HDFC Securities Ltd., and others Vs. State of Maharashtra and another , (2017) 1 SCC 640 at page No 652

" 27. It appears to us that the appellants approached the High Court even before the stage of issuance of process. In particular, the appellants challenged the order dated 04.01.2011 passed by the learned Magistrate under Section 156 (3) of Cr.P.C. The learned counsel appearing on behalf of the appellants after summarizing their arguments in the matter have emphasized also in the context of the fundamental rights of the appellants under the Constitution, that the order impugned has caused grave inequities to the appellants. In the circumstances, it was submitted that the order is illegal and is an abuse of the process of law. However, it appears to us that this order under



Section 156(3) of Cr.P.C. requiring investigation by the police, cannot be said to have caused an injury of irreparable nature which, at this stage, requires quashing of the investigation. We must keep in our mind that the stage of cognizance would arise only after the investigation report is filed before the Magistrate. Therefore, in our opinion, at this stage the High Court has correctly assessed the facts and the law in this situation and held that filing of the petitions under Article 227 of the Constitution of India or under Section 482 of Cr.P.C., at this stage are nothing but premature. Further, in our opinion, the High Court correctly came to the conclusion that the inherent powers of the Court under Section 482 of Cr.P.C should be sparingly used."

3. It is brought to the knowledge of this Court, subsequently, the FIR was registered in Crime No.305 of 2023 and the copy of the FIR has also been produced by the learned Government Advocate (Crl.Side) appearing for the first respondent and he has also submitted that the investigation is going on.



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4. In view of the submission made by the learned Government Advocate (Crl. Side), this Court inclines to dismiss this petition without going into merits of the case with liberty to the petitioner to file the petition for quashment of the FIR in Crime No.305 of 2023. Accordingly, this Criminal Revision Case is dismissed. Consequently, the connected miscellaneous petition is closed.

14.02.2024

Index : Yes
Internet : Yes
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To

1. Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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P.VADAMALAI, J

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