



Crl.RC.No.386 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.RC.No.386 of 2025

Pushparaj

... Petitioner

Vs.

1. State Rep. by its Inspector of Police
E3 Minjur Police Station
Minjur - 601203, Tiruvallur District

2. Ramadevi
3. Jayachandran
4. Hemachandran
5. Executive Officer
Minjur Municipality
Minjur - 601203,
Tiruvallur District

... Respondent

Prayer: Criminal Revision Case filed under Section 438 and 442 of B.N.S.S.

to allow the revision by setting aside the order dated 11.09.2024 passed by the

learned Judicial Magistrate-2, Ponneri, in Crl.M.P.No.1566 of 2024.



WEB COPY



Crl.RC.No.386 of 2025

For Petitioner : Mr.B.Harikrishnan
For 1st Respondent : Mr.S.Sugendran
Additional Public Prosecutor
For Respondents 2 and 3 : Mr.R.S.Kirubakaran

ORDER

This Criminal Revision Case has been filed by the petitioner to set aside the order dated 11.09.2024 passed by the learned Judicial Magistrate-2, Ponneri, in Crl.M.P.No.1566 of 2024.

2. The case of the petitioner is that he had lodged a complaint before the respondent police against the respondents 2 and 3 about their illegal and unlawful act of encroaching upon Kuppa Reddy Kudiyiruppu 1st Street and blocking the road by piling up stones and erecting iron bars, whereas the respondent police closed the complaint as civil in nature. Therefore, the petitioner approached the Judicial Magistrate-2, Ponneri, by filing a petition under Section 156(3) of Cr.P.C. in Crl.M.P.No.1566 of 2024 seeking direction



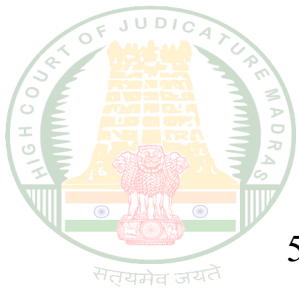
Crl.RC.No.386 of 2025

to the respondent police to register a case against the respondents 2 and 3, but

the same was dismissed by the Magistrate on the ground that no evidence and document were produced to prove the allegations. Challenging the same, the present revision is filed.

3. Heard the learned counsel for the petitioner, the learned Additional Public Prosecutor appearing for the 1st respondent police and the learned counsel for the respondents 2 and 3 and also perused the materials available on record including the complaint and the order of the Magistrate.

4. A perusal of the order passed by the Magistrate shows that in Paragraph No.1 of the order, 6 witnesses have been shown as list of witnesses and 20 documents have been shown as list of documents. However, the Magistrate has not discussed either about the witnesses or about the documents and simply dismissed the petition stating that the petitioner has not produced any oral and documentary evidence to prove the allegations. Hence, this Court finds that the findings of the Magistrate is perverse.



Crl.RC.No.386 of 2025

5. Therefore, the order passed by the Judicial Magistrate No.2, Ponneri,

in Crl.M.P.No.1566 of 2024 dated 11.09.2024 is set aside.

6. Further, the 1st respondent police is directed to register a case based on the complaint given by the petitioner and conduct investigation and file the charge sheet within a period of two months from the date of receipt of a copy of this order.

7. With the above observations and directions, this Criminal Revision Case is disposed of.

06.03.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

ksa-2



CrI.RC.No.386 of 2025

To

WEB COPY

1. The Judicial Magistrate-2
Ponneri
2. The Inspector of Police
E3 Minjur Police Station
Minjur - 601203, Tiruvallur District
3. The Public Prosecutor
High Court of Madras



WEB COPY



Crl.RC.No.386 of 2025

P.VELMURUGAN. J.

Ksa-2

Crl.RC.No.386 of 2025

06.03.2025