



Crl.O.P.No.2922 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.No.2922 of 2025

A.Diwakar

... Petitioner

Vs

State represented by,
The Inspector of Police,
N-4, Fishing Harbour Police Station,
Chennai 600 081.

... Respondent

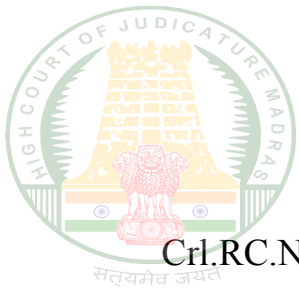
PRAYER: Criminal Original Petition is filed under 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, to set aside the order passed by the Principal District and Sessions Judge at Chennai in Crl.RC.No.163 of 2022, dated 04.07.2024 confirming the order in Crl.M.P.No.2997/2023, on the file of the Learned XVI Metropolitan Magistrate, George Town, Chennai dated 21.08.2023.

For Petitioner : Mr.J.B.Solomon Peter Kamal Doss

For Respondent : Mr.R.Vinothraja
Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed challenging the order passed by the Principal District and Sessions Judge at Chennai in



Crl.O.P.No.2922 of 2025

Crl.RC.No.163 of 2022, dated 04.07.2024, thereby confirming the order passed in Crl.M.P.No.2997/2023, dated 21.08.2023, on the file of the XVI Metropolitan Magistrate, George Town, Chennai.

2. Heard the learned counsel on either side and perused the materials placed on record.

3. The petitioner is an accused in the complaint lodged by the defacto complainant. For the very same occurrence, the petitioner also lodged a counter complaint and the same has not been registered in any crime. Therefore, the petitioner had approached the learned Magistrate under Section 156(3) of Cr.P.C and as directed by the learned Magistrate, FIR has been registered as against the accused in Crime No.344 of 2022 under Sections 294(b), 323 and 506(i) of IPC. Pending investigation, once again the petitioner filed an application for direction directing the Judicial Magistrate to monitor the investigation in Crime No.344 of 2022. However, it was dismissed and aggrieved by the same, the petitioner preferred a revision before the Principal District and Sessions Judge at Chennai and the same was also dismissed by an order dated 04.07.2024.



Crl.O.P.No.2922 of 2025

4. Now, the investigation is under progress. In each and every case, the Judicial Officer cannot monitor the investigation, since the Court cannot interfere with the investigation.

5. In view of the above, this Court finds no infirmity or illegality in the order passed by the Principal District and Sessions Judge at Chennai in Crl.RC.No.163 of 2022, dated 04.07.2024. However, the Assistant Commissioner of Police, Royapuram, Chennai is directed to monitor the investigation done by the respondent and shall ensure that the investigation is done in a right way.

6. Accordingly, this Criminal Original Petition is dismissed.

05.02.2025

Internet: Yes
Index: Yes/No
Speaking/Non speaking order
mn



WEB COPY



Crl.O.P.No.2922 of 2025

G.K.ILANTHIRAIYAN. J.

mn

To

1. The Principal District and Sessions Judge
at Chennai.
2. The XVI Metropolitan Magistrate,
George Town, Chennai.
3. The Inspector of Police,
N-4, Fishing Harbour Police Station,
Chennai 600 081.
4. The Public Prosecutor,
High Court, Madras.

Copy to

The Assistant Commissioner of Police,
Royapuram, Chennai.

Crl.O.P.No.2922 of 2025

05.02.2025