IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO. 2193 /2026
[@ SLP [CRL.] NO.18828/2025]

MOHAN KARTHIK & ORS. Appellant(s)

VERSUS

STATE OF TAMIL NADU & ANR. Respondent(s)

O R D E R

Leave granted.

We have heard the learned counsel appearing for the appellants and the learned Senior counsel appearing for the respondents.

The short issue for consideration in this appeal is as to whether the learned Magistrate has the jurisdiction to invoke Section 156(3) of the Code of Criminal Procedure, 1973 (for short 'Cr.P.C.') for the second time, in spite of the earlier order dated 10.08.2022 whereby the learned Magistrate dismissed the initial application filed by the respondent-complainant under Section 156(3) of the Cr.P.C. as well as the subsequent closure report filed by the police, pursuant to the direction given by the High Court to conduct a preliminary inquiry.

Though arguments have been made by the learned Senior Counsel appearing for the State that there is no bar under law in doing so, the fact remains that the second round of resorting to Section 156(3) of the Cr.P.C. is nothing but an attempt to review the

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Date: 2026.05.04 16:59:56 IST
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earlier order passed by the High Court. It is also pertinent to state that the liberty given by the High Court to the respondent-complainant was only for the purpose of invoking Section 200 of the Cr.P.C. Maybe it is an oversight which made the respondent–complainant to invoke Section 156 (3) of the Cr.P.C., once again, instead of filing a private complaint under Section 200 of the Cr.P.C. Suffice it to state that the parameters for the invocation of both the aforesaid sections are quite different.

In such view of the matter, we set aside the impugned order dated 07.10.2025 passed by the High Court and the order of the learned Magistrate dated 23.08.2024 which directed the registration of an FIR, with a specific direction to the concerned Magistrate to treat the application filed by the respondent–complainant invoking Section 156 (3) of the Cr.P.C. as a private complaint under Section 200 of the Cr.P.C and, thereafter, proceed in accordance with law.

The appeal stands disposed of in the aforesaid terms.

Pending application(s), if any, shall also stand disposed of.

……...J.
[M.M. SUNDRESH]

……...J.
[NONGMEIKAPAM KOTISWAR SINGH]

NEW DELHI;
APRIL 27, 2026.

ITEM NO.35 COURT NO.5 SECTION II-C

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 18828/2025

[Arising out of impugned final judgment and order dated 07-10-2025 in CRLOP No. 8854/2025 passed by the High Court of Judicature at Madras]

MOHAN KARTHIK, & ORS. Petitioner(s)

VERSUS

STATE OF TAMIL NADU, & ANR. Respondent(s)

IA No. 300709/2025 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT
IA No. 300707/2025 - EXEMPTION FROM FILING O.T.

Date : 27-04-2026 This matter was called on for hearing today.

CORAM HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) Mr. M.P. Parthiban, AOR

For Respondent(s) Mr. Amit Anand Tiwari, Sr. A.A.G.
Mr. Sabarish Subramanian, AOR

Mr. K. Shiva, AOR
Mr. Pm Duraiswamy, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal stands disposed of in terms of the signed order.

Pending application(s), if any, shall also stand disposed of.

(ASHA SUNDRIYAL) (POONAM VAID)
DEPUTY REGISTRAR ASSISTANT REGISTRAR
[Signed order is placed on the file]