

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.09.2016

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CRL OP.No.20803 of 2016

Lakshmi Durga .... Petitioner

Vs

The Station House Officer,  
W-17, Peravellore All Women  
Police Station,  
Peravellore, Chennai. ....Respondent.

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to issue a direction, directing the learned V Metropolitan Magistrate, Egmore, Chennai to consider the complaint filed by the petitioner on 19.08.2016 under Sec.156 (3) of Cr.P.C. on the same day, when it represented in accordance with law.

For Petitioner : Mr.G.M.Sankar  
For Respondent : Mr.C.Emalias,  
Addl. Public Prosecutor

O R D E R

This petition has been filed to direct the learned V Metropolitan Magistrate, Egmore, Chennai to consider the complaint filed by the petitioner on 19.08.2016 under Sec.156 (3) of Cr.P.C. on the same day, when it re-presented in accordance with law.

2. Heard the learned counsel appearing for the petitioner; learned Addl. Public Prosecutor for the respondent and perused the materials placed on record.

3. It is seen that this petitioner lodged a complaint dated 20.06.2016 to the Inspector of Police, All Women Police Station, Peravellore, Chennai, based on which, petition enquiry has been conducted in CSR No.157 of 2016. While so, the petitioner has filed a petition under Section 156(3) of Cr.P.C. before the V Metropolitan Magistrate for a direction to the respondent police to register an FIR against some persons. The V Metropolitan Magistrate received the complaint on 19.08.2016 and posted it to 26.08.2016. On 26.08.2016 the

Judicial Magistrate has passed the following order "complainant absent. No representation. Original documents not produced. Time 3 days." and returned the original complaint to the petitioner.

4. Now it is submitted by the petitioner that when the complainant re-presented the complaint on 31.08.2016, the learned Magistrate refused to receive the same, that it was not re-presented within three days. Aggrieved by that, the petitioner is before this Court.

5. On a perusal of the records, it is seen that the petitioner has not even filed an affidavit as mandated by the ... Court in Priyanka Srivatsava Vs

Therefore, the complaint filed by the petitioner is not intact and hence, no positive direction can be issued has prayed for. However, the respondent police is directed to complete the enquiry in CSR No.157 of 2016 within a period of four weeks from the date of receipt of a copy of this order, as directed by the Hon'ble Supreme Court in Lalita Kumari Vs. Government of Uttarpradesh and Others reported in (2014) 2 SCC 1. The petitioner is directed to co-operate with the enquiry. If the complaint is closed, a copy of closure report should be furnished to the petitioner.

With the above direction this petition is closed.

Sd/-  
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

Kp/gya

To

1.V Metropolitan Magistrate, Egmore, Chennai.

2. The Station House Officer,  
W-17, Peravellore All Women Police Station,  
Peravellore, Chennai.

3.The Public Prosecutor,  
High Court, Madras.

+ 2 ccs to Mr.G.M. Sankar, Advocate SR.53210

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SV(CO)  
EU 05.10.16