



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2017

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THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD) No.6981 of 2017

K.Shanmugaiah

... Petitioner

-vs-

1. The Superintendent of Police
Tirunelveli District, Tirunelveli

2. The Inspector of Police
Surandai Police Station,
Surandai, Tirunelveli District

3. D.Pushpam

4. David

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the 1st respondent to instruct the 2nd respondent to comply the order in Cr.M.P.No.1291/2017 passed by the learned Judicial Magistrate, Alangulam, dated 15.05.2017.

For Petitioner : Mr.M.Veilkaniraju

For Respondents : Mr.K.Anbarasan
R1 & R2 Government Advocate (Crl. Side)

O R D E R

This petition has been filed for a direction to the respondent to alter the First Information Report in Crime No.123 of 2013 dated 19.04.2013 as per the appropriate sections of law.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. side) for the respondents 1 and 2.

3. Today, Mr.S.Packiaraj, Special Sub Inspector of Police, Surandai Police Station, is present before this Court.



4. The petitioner has filed a petition in Crl.M.P.No.1291/2017 under Section 156(3) Cr.P.C., in which, the learned Judicial Magistrate, Alangulam, has passed the following order on 15.05.2017:

"Heard petitioner side. Records perused. This Court find prima facie case to be proceeded against this respondent in accordance with law. Hence, this Court is hereby inclined to forward this complaint to the Inspector of Police, Surandai P.S. For necessary action.

Accordingly, this complaint is hereby forwarded to the Inspector of Police, Surandai PS. On receipt of this complaint, he has investigate the same as per guidelines given by the Hon'ble Supreme Court of India in Lalithakumari case. The investigation shall be completed on or before 30.05.2017 of the receipt of this complaint without fail. The final report shall be filed before this Court on or before call on 31.05.2017."

Now, it is the grievance of the petitioner that despite the order, the police have not registered the FIR.

5. The learned Government Advocate (Crl. side), on instructions, submitted that the petitioner had given a complaint dated 03.01.2017 to the Inspector of Police, Surandai Police Station and the same was enquired into and was closed on 08.03.2017. A copy of the closure report was not furnished to the petitioner. After the learned Judicial Magistrate passed the order on 15.05.2017, the police have filed a report on 30.05.2017 before the concerned Magistrate.

6. Recording the same, this petition is closed with liberty to the petitioner to file a private complaint, if so advised.

7. Before parting with this case, this Court is constrained to make the following observations:

The learned Judicial Magistrate, Alangulam ought not to have directed the Inspector of Police, Surandai Police Station, to complete the investigation before 30.05.2017. Essentially, an investigation in a case would commence only after registration of the FIR under Section 154 Cr.P.C. The Court should be very circumspect, while issuing a direction to the police to complete the investigation as defined under Section 2(h) of the Code within a time period. The case may require inter-state investigation or even inter-country investigation and therefore, the upper time



limit should not be normally fixed by the Court ex-parte. The learned Judicial Magistrate, Alangulam may bear this in mind in dealing with such petitions in future.

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Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To:

1. The Judicial Magistrate,
Alangulam, Tirunelveli District.
2. The Superintendent of Police
Tirunelveli District, Tirunelveli
3. The Inspector of Police
Surandai Police Station,
Surandai, Tirunelveli District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.M.VEILKANIRAJU, ADVOCATE IN SR No. 59644

RR

TE/RSK/SAR-III : 21/06/2017 : 3P/6C

Crl.O.P. (MD) No.6981 of 2017
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