



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2017

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THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

Crl.O.P.(MD)No.23971 of 2016

K.Boopathiyammal

: Petitioner

-vs-

State rep by

1.The Deputy Superintendent of Police,
Rajapalayam,
Virudhunagar District.

2.The Inspector of Police,
Thalavaipuram Police Station,
Virudhunagar District.

: Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent to take further action on the order passed by the learned Judicial Magistrate, Rajapalayam, Virudhunagar District, in Cr.M.P.No.8420 of 2016, dated 06.10.2016 in accordance with law as laid down by the Hon'ble Apex Court in Lalitha Kumari-vs-State of U.P.

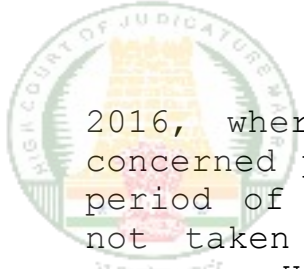
For Petitioner : Mr.M.Ramu

For Respondents : Mr.A.P.Balasubramani
Government Advocate
(Criminal side)

O R D E R

This petition has been filed to direct the 2nd respondent to take further action on the order passed by the Judicial Magistrate, Rajapalayam, Virudhunagar District, in Cr.M.P.No.8420 of 2016, dated 06.10.2016 in accordance with law.

2.The learned counsel appearing for the petitioner would submit that the petitioner has approached the respondents police to register a case, based on her complaint, dated 05.08.2016 and 13.08.2016, but they have not taken any steps to register the case against the accused and hence, she approached the Judicial Magistrate, Rajapalayam, by filing a petition in Cr.M.P.No.8420 of



2016, wherein an order was passed on 06.10.2016 directing the concerned police to enquire the matter and file a report within a period of eight weeks and even thereafter, the respondents have not taken any steps to register the case against the accused persons. Hence, the petitioner has come forward before this court with this petition.

3.Per contra, the learned Government Advocate (Criminal side) appearing for the respondents would submit that in this case, as per the direction of the Judicial Magistrate, Rajapalayam, the 2nd respondent police has conducted proper investigation and closed the case stating that the matter is purely civil in nature and hence, he prayed for the dismissal of the petition.

4.Heard the learned counsel appearing for the petitioner and the learend Government Advocate (Criminal side) appearing for the respondents and perused the materils available on record.

5.It is seen from the records that the petitioner has filed a petition in Cr.M.P.No.8420 of 2016 against five persons, namely 1.Kanagavalli, 2.Pushpam, 3.Palani, 4.Ganapathi and 5.Ganesan and obtained an order from the Judicial Magistrate, Rajapalayam without impleading the concerned Inspector of Police as respondent. In this case, the learned Judicial Magistrate has committed serious error in giving direction to the Inspector of Police, Thalavaipuram, Rajapalayam Taluk, by addressing the copy of the order.

6.In view of the above stated position, this court is of the considered view that without adding the concerned Police, the petitioner has obtained order from the Judicial Magistrate, Rajapalayam, which is not maintainable in law. Hence, the petition filed by the petitioner is liable to be dismissed.

7.Accordingly, this petition is dismissed with liberty to the petitioner to work out her remedy before the appropriate forum in the manner known to law.

Sd/-

Assistant Registrar(Writs)

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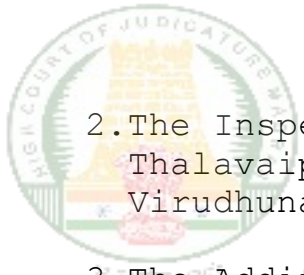
Sub Assistant Registrar

To,

1.The Deputy Superintendent of Police,

<https://hcservices.ecgpolice.in/hcservices/>

Virudhunagar District.



2.The Inspector of Police,
Thalavaipuram Police Station,
Virudhunagar District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

4.The Judicial Magistrate,
Rajapalayam,
Virudhunagar District.

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Cr1.O.P.(MD) No.23971 of 2016
05.01.2017