

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2018

CORAM :

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.No.26700 of 2018

Senthil Kumar

.. Petitioner

Vs

1. The State rep. by
The Commissioner of Police,
Salem City.

2. The Inspector of Police,
Veeranam Police Station,
Salem City.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to issue direction directing the 2nd respondent to comply the order passed by the Learned Judicial Magistrate No.4, Salem in C.M.P.No.1284 of 2018 dated 28.03.2018.

For Petitioner : Mr.U.Aslam

For Respondent : Mr.C.Raghavan
Government Advocate (Crl. Side)

O R D E R

This petition has been filed seeking for a direction to the 2nd respondent to register the FIR, pursuant to the order passed by the Learned Judicial Magistrate No.4, Salem in C.M.P.No. 1284 of 2018, by an order dated 28.03.2018.

2. The petitioner filed a petition before the Learned Judicial Magistrate No.4, Salem in C.M.P.No. 1284 of 2018 under Section 156 (3) of Cr.P.C. The Learned Judicial Magistrate No.4, Salem, after taking into consideration the averments made in the complaint, directed the 2nd respondent to register the case and investigate the same.

3. The learned counsel for the petitioner submitted that this order has not been complied with by the 2nd respondent. Therefore the present petition has been filed seeking for appropriate directions.

4. The 2nd respondent was duty bound to comply with the orders passed by the Court below. It is beyond cavil that the police do not have a discretion in cases of this nature. There is a direction given by the competent Court and they are bound to comply with the same. In fact it has also been so held by the Hon'ble Division Bench of this Court in CrI.O.P.(MD) No.13681 of 2018 and batch of cases, dated 20.09.2018. It is unfortunate that the 2nd respondent did not comply with the order passed by the Court below.

5. In the facts and circumstances of the case, there shall be a direction to the 2nd respondent to register the FIR within a period of one week from the date of receipt of a copy of this order and proceeded further in accordance with law.

6. With the above direction, this Criminal Original Petition is allowed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ub/ssr

To

1. The Commissioner of Police,
Salem City.

2. The Inspector of Police,
Veeranam Police Station,
Salem City.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Dinesh Kumar, Advocate, S.R.No.78460

KJ(CO)
SSM(06/12/2018)

CrI.O.P.No.26700 of 2018

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