



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.09.2018

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THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL.O.P. (MD) Nos.5548, 9551, 10762, 10811 of 2018 and 17868 of 2017

Crl.O.P. (MD) No.5548 of 2018:

V.Santhappan Nair

... Petitioner

Vs

1. The Superintendent of Police,
Nagercoil,
Kanyakumari District.

2. The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the respondents to register the petitioner's complaint dated 20.02.2018.

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mr.M.Chandrasekaran

Additional Public Prosecutor

Mr.N.Ananthapadmanabhan - Amicus curiae

Crl.O.P. (MD) No.9551 of 2018:

V.Renuka

... Petitioner

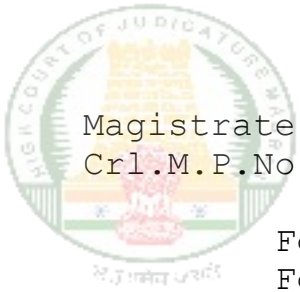
Vs

1. The Commissioner of Police,
Madurai City,
Madurai District.

2. The Inspector of police,
Karimedu Police Station,
Madurai.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the second respondent to register the case on the basis of direction forwarded by learned Judicial



Magistrate No.5, Madurai under Section 156(3) of Cr.P.C in
Crl.M.P.No.2171 of 2017, dated 28.07.2017.

For Petitioner : Mr.A.Sivasubramanian
For Respondents : Mr.M.Chandrasekaran
Additional Public Prosecutor

WEB COPY

Cr1.O.P. (MD) No.10762 of 2018:

K.Velmurugan ... Petitioner

Vs

1. The Superintendent of Police,
Office of the Superintendent of Police,
Thanjavur District.

2. The Inspector of Police,
Thiruvaiyaru Police Station,
Thiruvaiyaru.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the second respondent to register the case on the basis of direction forwarded by learned Judicial Magistrate, Thiruvaiyaru under Sections 156(3) of Cr.P.C in Crl.M.P.No.932 of 2018, dated 27.03.2018.

For Petitioner : Mr.A.Sivasubramanian
For Respondents : Mr.M.Chandrasekaran
Additional Public Prosecutor

Cr1.O.P. (MD) No.10811 of 2018:

Baskaran ... Petitioner

Vs

1. The Superintendent of Police
Office of the Superintendent of Police,
Thanjavur District.

2. The Inspector of Police,
Thiruvaiyaru Police Station,
Thiruvaiyaru.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the second respondent to register the case on the basis of direction forwarded by learned Judicial Magistrate, Thiruvaiyaru under Sections 156(3) of Cr.P.C in Crl.M.P.No.1111 of 2018, dated 25.04.2018.



For Petitioner : Mr.A.Sivasubramanian
For Respondents : Mr.M.Chandrasekaran
Additional Public Prosecutor

CrI.O.P. (MD) No.17868 of 2017

WEB COPY

Loganathan

... Petitioner

Vs

State rep. by
The Inspector of Police,
Anti-Land Grabbing Special Cell,
District Crime Branch Police Office,
Trichy District.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, directing the respondent to act upon the order passed by the Special Judicial Magistrate for Land Grabbing, Trichy in Cr.M.P.No.62 of 2017, dated 08.07.2017 investigate the case in accordance with law.

For Petitioner : Mr.T.Lenin Kumar
For Respondent : Mr.M.Chandrasekaran
Additional Public Prosecutor

COMMON ORDER

In all these cases, the concerned Judicial Magistrate has directed the respondent police to investigate and file a final report before the Court. The respondent police have misunderstood that order and even without registering an F.I.R, the respondent police proceeded to conduct the preliminary enquiry and closed the very complaint itself.

2.It is beyond cavil that once the concerned Magistrate directs the police officer to investigate the case under Section 156(3) of Cr.P.C, the police officer is bound to investigate and file a final report. This position of law has been well settled by the catena of decision.

3.In the facts and circumstances of these cases, there shall be a direction to the respondent police to register an F.I.R based on the order passed by the concerned Magistrate, and thereafter, investigate the case and file a final report under Section 173(2) of Cr.P.C.



4. Accordingly, these criminal original petitions are disposed of with the above directions.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar (CS-II)

To

1. The Superintendent of Police,
Nagercoil,
Kanyakumari District.
 2. The Inspector of Police,
Arumanai Police Station,
Kanyakumari District.
 3. The Commissioner of Police,
Madurai City,
Madurai District.
 4. The Inspector of police,
Karimedu Police Station,
Madurai.
 5. The Superintendent of Police
Office of the Superintendent of Police,
Thanjavur District.
 6. The Inspector of Police,
Thiruvaiyaru Police Station,
Thiruvaiyaru.
 7. The Inspector of Police,
Anti-Land Grabbing Special Cell,
District Crime Branch Police Office,
Trichy District.
 8. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- + 1 CC TO Mr.A.SIVASUBRAMANIAN, ADVOCATE IN SR No. 83746

RMI

TE/PM/SAR-2 : 01/10/2018 : 4P/10C