



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.09.2018**

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.[MD] No.5197 of 2017

R.Subbiah

: Petitioner

vs.

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

2.The Sub Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.

: Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent to comply the order dated 08.11.2016 in Cr.M.P.No.9450 of 2016 on the file of the learned Judicial Magistrate, Rajapalayam made under Section 156(3) Cr.P.C., to register a case based on a complaint given by the petitioner dated 24.09.2016.

For Petitioner : Mr.V.Sasikumar

For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

ORDER

It is seen from records that Judicial Magistrate, Rajapalayam, in exercise of its power under Section 156 (3) Cr.P.C., has directed the respondent police to register the FIR and to conduct the investigation. This order was passed on 08.11.2016.

2.The learned Government Advocate (Crl.Side) for the respondents would submit that the respondent police without registering the FIR, have conducted an enquiry on the petition and closed it. This procedure followed by the respondent police is in violation of provisions under Section 156 (3) Cr.P.C., and also in violation of the Division Bench judgment of this Court in Crl.O.P. (MD) Nos.13681 of 2018 etc., dated 20.09.2018.

3.Considering the facts and circumstances of the case, there shall be a direction to the second respondent to register the FIR



on the complaint given by the petitioner and proceed with the same in accordance with law.

4.This Criminal Original Petition is disposed of with the above direction.

WEB COPY

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar(CS-III)

To

- 1.The Judicial Magistrate,
Rajapalayam,
Virudhunagar District.
- 2.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 3.The Sub Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO MR.A.MOHAN, ADVOCATE IN SR NO.86694

MM

BU/RSK/SAR-III :27.10.2018 : 2P/6C

**Crl.O.P. [MD] No.5197 of 2017
24.09.2018**