



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2018

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

WEB COPY

Crl.O.P.[MD].No.19220 of 2018

C.Ramachandran

: Petitioner

Vs.

1.The Superintendent of Police,
Thanjavur District.

2.The Deputy Superintendent of Police,
Pattukottai Sub Division,
Pattukottai,
Thanjavur District.

3.The State rep by
The Sub Inspector of Police,
Peravurani Police Station,
Thanjavur District.

: Respondents

PRAYER:Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondent No.2 herein to register the complaint given by the petitioner dated 05.07.2017 based on the order of the Judicial Magistrate, Pattukkottai dated 17.11.2017.

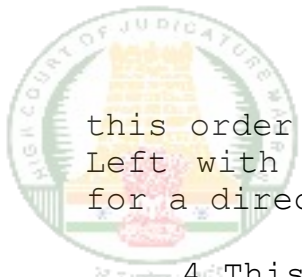
For Petitioner : Mr.R.Venkateshwar

For Respondents : Ms.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)**ORDER**

This criminal original petition has been filed seeking for a direction to the second respondent to register the complaint given by the petitioner dated 05.07.2017.

2.It is the case of the petitioner that the petitioner has filed an application under Section 156 (3) Cr.P.C., before the learned Judicial Magistrate, Pattukkottai. The learned Judicial Magistrate, Pattukottai by an order dated 02.08.2017 had directed the respondent police to investigate the case and to file a final report. This order has not been complied with by the respondent police.

3.The learned counsel for the petitioner would submit that the Court below had issued another direction to the respondent police by an order dated 17.11.2017 to appoint another Inspector to investigate the case and to file a final report within a period of fifteen days. According to the learned counsel for the petitioner,



this order has also not been complied with by the respondent police. Left with no other option, the petitioner has filed this petition for a direction to the third respondent police to register an FIR.

4. This Court is shocked at the attitude of the third respondent in not registering an FIR, inspite of orders being passed by the learned Magistrate under Section 156 (3) Cr.P.C.. This attitude of the third respondent would clearly amount to disobedience of the orders of this Court and it is strongly condemned by this Court. The Division Bench of this Court in the latest judgement in G.Prabakaran Vs. The Superintendent of Police, Thanjavur District and another reported in 2018 2 LW (Cri) 489 has categorically held that once an order is passed by the learned Magistrate under Section 156 (3) Cr.P.C., the police is duty bound to obey such order and register an FIR and to proceed further in accordance with law. No discretion is given to the police officer in such cases.

5. In view of the above, there shall be a direction to the respondent police to register an FIR in accordance with the directions given by the Court below and proceed further in accordance with law. The respondent police shall do the needful within a period of one week from the date of receipt of a copy of this order.

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

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar(CS-IV)

To

1. The Superintendent of Police,
Thanjavur District.

2. The Deputy Superintendent of Police,
Pattukottai Sub Division,
Pattukottai, Thanjavur District.

3. The Sub Inspector of Police,
Peravurani Police Station, Thanjavur District.

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

+1CC to Mr.R.Venkateshwar, Advocate, SR.No.92848

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