

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.1825 of 2019

Mohammed Kasim

... Petitioner

Vs.

State represented by

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

2.The Inspector of Police,
Peralam Police Station,
Thiruvarur District.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent to register First Information Report and to file a final report based on the order dated 05.11.2016 passed by the learned Judicial Magistrate, Nannilam in Crl.M.P.No.5483 of 2016.

For Petitioner : Mr.C.R.Malarvannan

For Respondents : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor.

O R D E R

This Criminal Original Petition has been filed by the petitioner seeking to direct the second respondent to register First Information Report and to file a final report based on the order dated 05.11.2016 passed by the learned Judicial Magistrate, Nannilam in Crl.M.P.No.5483 of 2016.

2. The learned counsel appearing for the petitioner would submit that the petitioner lodged a complaint before the second respondent police alleging that the accused attacked him with iron pipe and as such he sustained injury. After first aid, he got admitted in Nannilam Government Hospital for treatment. In fact, the police officials came to the hospital and recorded his statement. For further treatment, the petitioner was referred to Thiruvarur Government Medical College Hospital and thereafter he shifted to Government Medical College, Thanjavur. He undergone surgery and thereafter discharged from the hospital. Even then, the second respondent did not registered a case as against the accused. Therefore, the petitioner filed a petition in Crl.M.P.No.5483 of 2016, before the learned District Munsif-cum-Judicial Magistrate, Nannilam and the learned Magistrate by an order dated 05.11.2016, directed the second respondent to

register a case and file a final report. Even after receipt of the same, the second respondent did not register a case as against the accused person. Hence, the petitioner is before this Court by filing the present petition seeking to register the complaint.

3. The learned Additional Public Prosecutor would submit that after the direction issued by the learned Magistrate, the complaint is pending for registration.

4. Heard Mr.C.R.Malarvannan, learned counsel appearing for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor appearing for the respondents.

5. Considering the above facts and circumstances, this Court directs the second respondent to register a case as against the accused person as directed by the learned District Munsif-cum-Judicial Magistrate, Nannilam in CrI.M.P.No.5483 of 2016, by an order dated 05.11.2016 within a period of two weeks from the date of receipt the order.

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

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rp1/sbn

To

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

2.The Inspector of Police,
Peralam Police Station,
Thiruvarur District.

3.The Public Prosecutor,
High Court, Madras.

4.The Judicial Magistrate,
Nannilam.

+1cc to Mr.C.R.Malarvannan, Advocate, S.R.No.12211

CrI.O.P.No.1825 of 2019

rrs 12/03/2019