

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 09.07.2019

CORAM
THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.10048 of 2019

C.Dhanalakshmi (aka) Jothi

...Petitioner

vs.

1. D.Charles

2. The Commissioner of Police,
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery, Periamet,
Chennai - 600 007.

3. The Inspector of Police,
C-3, Seven Wells Police Station,
Chennai - 600 081.

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to set-aside the order passed in Crl.M.P.No.227 of 2019 dated 01.02.2019 by VIII Metropolitan Magistrate, at George Town and consequently direct the 2nd respondent to direct the 3rd respondent to register the case on the complaint dated 18.07.2018 vide CSR No.93 of 2018 given against the 1st respondent.

For Petitioner : Mr.G.Vijayakumar

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor for R2 & R3

O R D E R

This petition has been filed challenging the order passed by the Court below dismissing the application filed by the petitioner under Section 156(3) of Cr.P.C.

2. The petitioner had given a complaint to the respondent police by making certain allegations against the 1st respondent. The allegations made in the complaint, makes out a cognizable offence. However, since no FIR was registered, the petitioner gave a representation to the Commissioner of Police, Chennai and the case was transferred to the file of the C-3, Seven Wells Police Station, Chennai. Even thereafter, there was no progress in the case. Therefore the petitioner filed a petition under Section 156(3) of Cr.P.C., before the Court below seeking for a direction to the respondent police to enquire and register the

FIR. The Court below by an order dated 01.02.2019, dismissed the petition and aggrieved by the same, the present petition has been filed before this Court.

3. On going through the complaint, this Court is able to see that cognizable offence is made out. The Court below ought to have exercised its jurisdiction under Section 156(3) of Cr.P.C. However the Court below has dismissed the petition purely on jurisdictional issue. Therefore, the order passed by the Court below requires interference.

4. The order passed by the Court below in CMP.No.227 of 2019, dated 01.02.2019 is hereby set-aside and there shall be a direction to the 3rd respondent to register an FIR based on the complaint given by the petitioner dated 11.04.2018 which was taken on file in CSR No.93 of 2018. This exercise shall be completed within a period of two weeks from the date of receipt of copy of this order.

5. This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

ssr

To

1. The VIII Metropolitan Magistrate,
George Town, Chennai.
2. The Commissioner of Police,
No.132, Commissioner Office Building,
EVK Sampath Road, Vepery, Periamet,
Chennai - 600 007.
3. The Inspector of Police,
C-3, Seven Wells Police Station,
Chennai - 600 081.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.G.Vijayakumar, Advocate, S.R.No.57496

CRL.O.P.No.10048 of 2019

RK(CO)
RRS(10/07/2019)