

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.12.2019

CORAM

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

CRL.O.P.No.33668 of 2019

Mrs. Maheshwari

... Petitioner

Vs.

1. The Commissioner of Police,
Coimbatore City.

2. The Inspector of Police,
C.4, Ratnapuri Police Station,
Ratnapuri, Coimbatore.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent to take further action on the petitioner's complaint dated 20.10.2018 pending on the file of the 2nd respondent.

For Petitioner : M/s. G.Peranban

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

O R D E R

This petition has been filed to direct the 2nd respondent to take further action on the petitioner's complaint dated 20.10.2018.

2. According to the petitioner, he lodged a complaint before the second respondent on 20.10.2018 to take action against some of the persons. But since the second respondent has not taken any action on the said complaint, he sent the substance of information to the first respondent on 28.11.2018 under Section 154(3) of Cr.P.C and even thereafter, the second respondent has not registered the FIR and his further case is that inspite of repeated approach by him, the respondents did not take any action on his complaint, and hence he was constrained to file a petition under Section 156(3) of Cr.P.C in

C.M.P.No.931 of 2019 before the Judicial Magistrate No.II, Coimbatore for appropriate direction to the second respondent, on 02.07.2019. The learned Judicial Magistrate has directed the second respondent to investigate his complaint and file a report. But even thereafter the second respondent has not taken any action and hence he requests this Court to direct the second respondent to take further action on his complaint dated 20.10.2018.

3. A perusal of the petition filed to the affidavit shows that her grievance is that the second respondent has not registered FIR on her complaint dated 20.10.2018 and hence after complying the provisions of Sections 154(1) 154(3) and 156(3) of Cr.P.C, she filed a petition 156 (3) of Cr.P.C before the learned Judicial Magistrate No.II, Coimbatore.

4. The learned Judicial Magistrate in his order dated 02.07.2019 stated that he decided to proceed under Section 200 of Cr.P.C and hence he directed the S.H.O of Rathinapuri (Crime) Police Station to investigate the case and file a report on that effect before the said Court on or before 01.10.2019. It appears that though the Magistrate has mentioned in his order that he invoked the provisions of under Section 200 of Cr.P.C. virtually he exercised the powers under Section 202 (1) of Cr.P.C. Under the said circumstances, this Court is not inclined to direct the respondent to register the FIR. However considering the fact that the learned Judicial Magistrate has directed the respondent to investigate the matter and file a report on or before 01.10.2019 but so far report not filed, the respondent is directed to expedite the investigation and file report as directed by the Magistrate within a month from the date of receipt of a copy of this order.

5. With the above said directions, this Criminal Original Petition is disposed.

सत्यमेव जयते Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

ebsi

To

1.The Judicial Magistrate, No.II,
Coimbatore.

2.The Commissioner of Police,
Coimbatore City.

3. The Inspector of Police,
C.4, Ratnapuri Police Station,
Ratnapuri, Coimbatore.

4.The Public Prosecutor,
Madras High Court,
Chennai.

CRL.O.P.No.33668 of 2019

A.SK(17/12/2019)



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