



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2019

CORAM:

THE HONOURABLE **MR. JUSTICE N. SESHASAYEE**
Crl.O.P. (MD) No.5209 of 2019

R.Vijayalakshmi

... Petitioner / De facto Complainant

/Vs./

The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.

...Respondent / Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C to direct the respondent Police to implement the order made in Cr.M.P.No.6565 of 2018 on the file of the Judicial Magistrate No.II, Sivakasi dated 28.08.2018 and consequently direct the respondent Police to reopen and register the case and to conduct investigation and file a final report within a time frame fixed by this Court.

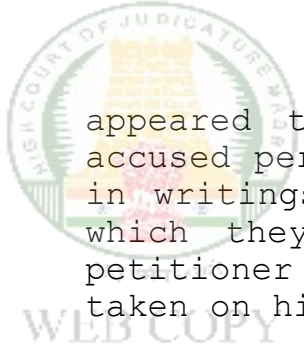
For Petitioner	: Mr.J.Jeyakumaran
For Respondent	: Mr.A.P.G.Ohm Chairma Prabhu Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to direct the respondent Police to implement the order made in Cr.M.P.No.6565 of 2018 on the file of the Judicial Magistrate No.II, Sivakasi dated 28.08.2018 and consequently direct the respondent Police to reopen and register the case and to conduct investigation and file a final report.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. side) appearing for the respondent.

3 (i). The learned counsel appearing for the petitioner submitted that three individuals (who have not been arrayed as parties to this petition), have cheated the petitioner, had earlier preferred a complaint. As the respondent police did not register a case against them, he moved the concerned Magistrate Court with a private complaint and the learned Magistrate has forwarded the complaint for investigation under Section 156 (3) Cr.P.C. Thereafter, the police, instead of registering a case immediately,



appeared to have held a preliminary enquiry, during which, the accused persons have appeared before the Court and made a statement in writings that they would pay the petitioner's all the money of which they have cheated. On the basis of the statement, the petitioner has also given the statement that no action needs to be taken on his complaint. Accordingly, the matter was dropped.

3 (ii). Be that as it may, the petitioner contends that those who have cheated her have not paid the money in terms of the statement given before the police. Therefore, he preferred another complaint before the police, but the police did not choose to register any case. Therefore, the petitioner has now come before this Court to give a direction to the police to implement the earlier order passed in Cr.M.P.No.6565 of 2018 on the file of the Judicial Magistrate No.II, Sivakasi dated 28.08.2018.

4. It may have to be now stated that the cause of action now stated before this Court is slightly different from the cause of action placed before the Magistrate when Cr.M.P.No.6565 of 2018 was made. It is therefore necessary these facts are again should go before the concerned Magistrate, who may have to take a call as to whether he is going to take cognizance of the proceedings under Section 200 Cr.P.C., immediately or want to resort to Section 156(3) Cr.P.C. This Court therefore directs the petitioner to approach the appropriate Magistrate for appropriate remedies as per law.

5. Accordingly, this criminal original petition is disposed of.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Inspector of Police,
Thiruthangal Police Station,
Virudhunagar District.

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

+1cc to Mr. J.Jeyakumaran, Advocate, SR.No. 59193

CrI.O.P.(MD)No.5209 of 2019

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