



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 06.11.2019
CORAM:
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
Crl.O.P.(MD).No.6290 of 2018

WEB COPY

S.Neerathilingam ... Petitioner /Complainant
Vs.

1.The Inspector of Police,
Rajapalayam South Police Station,
Rajapalayam. ... Respondent/Respondent

2.Sriniyammal @ Sriniselvi @Thangam
3.Karthikeyan ... Respondents/Proposed Accused

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to set aside the order passed by the Judicial Magistrate, Rajapalayam, in Cr.M.P.No.7809 of 2017 dated 17.11.2017.

For Petitioner : Mr.A.John Vincent
For R1 : Mr.R.Anandharaj
Additional Public Prosecutor

O R D E R

This petition has been filed to challenge the order passed by the Judicial Magistrate, Rajapalayam, in Cr.M.P.No.7809 of 2017 dated 17.11.2017, thereby closed the petition, on receipt of the enquiry report from the first respondent.

2. The learned counsel for the petitioner would submit that initially the petitioner lodged a private complaint and the same has been forwarded under Section 156(3) Cr.P.C. by the learned Magistrate, to the first respondent. The first respondent without registering the F.I.R. conducted enquiry and closed the complaint and filed the closure report before the Judicial Magistrate, Rajapalayam. The learned Magistrate received the same and closed the complaint. This Court as well as the Hon'ble Supreme Court admittedly held once the direction issued under Section 156 (3) Cr.P.C., the police ought to have registered the complaint, then only conduct investigation on the F.I.R. In the case on hand, the first respondent without even registering the case straight away conduct enquiry and closed the same.

3. The learned Additional Public Prosecutor would submit that on the direction issued by the learned Magistrate, the case has been registered in Crime No.730 of 2019 for the offence under Section 406 I.P.C, on 06.11.2019.



4. Recording the submission made by the learned Additional Public Prosecutor, this Criminal Original Petition is closed.

Sd/-

Assistant Registrar (records)

// True Copy //

Sub Assistant Registrar(CS)

Ls

To

- 1.The Judicial Magistrate
Rajapalayam.
- 2.The Inspector of Police,
Rajapalayam South Police Station,
Rajapalayam.
- 3.The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.A.JOHN VINCENT, Advocate (SR-96626[F] dated
07/11/2019)

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MK (03.12.2019) 2P 5C