

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2020

CORAM:

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

Crl.OP.No.1808 of 2020

Operation Mercy India Foundation (OMIF),
Represented by
Col. Jeyaraj Azaria
Senior Manager of Good
Shepherd Schools of Tamilnadu. ..Petitioner/Defacto Complainant

Vs.

Selvakumar

... Respondent/Accused

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C, to direct the learned Judicial Magistrate No.II, Kancheepuram to pass appropriate orders in Crl.MP.No.3726 of 2019 forthwith.

For Petitioner : Mr.B.Kumar, Senior Counsel for
Mr.A.Ashwinkumar

ORDER

This petition has been filed to direct the learned Judicial Magistrate No.2, Kancheepuram to dispose of Crl.MP.No.3726 of 2019 forthwith.

2. The learned counsel for the petitioner has submitted that the petitioner herein has filed a complaint under Section 156(3) of Cr.P.C before the learned Judicial Magistrate No.2, Kancheepuram on 17.12.2019. He further submitted that this Court in Sugesan Transport Private Limited Vs. Assistant Commissioner of Police, 2016(3)MadWN (Cri) 236 has issued a direction that on receipt of the complaint, the learned Judicial Magistrate shall pass orders thereon within 15 days either issuing directions or dismissing the petition and the said decision has been upheld by the Division Bench of this Court in G.Prabakaran Vs. The Superintendent of Police, 2018(2) LW (Crl.) 489. But the learned Judicial Magistrate has not passed any order in the said complaint till date and hence he requests to direct the concerned Judicial Magistrate to dispose of the said petition forthwith.

3. This Court, in Sugesan Transport Private Limited Vs. Assistant Commissioner of Police (cited supra) has issued several directions and one such direction is that if the Station House Officer and the Superintendent of Police have failed to take action on the complaint, the complainant is at liberty to move Judicial Magistrate under Section 156 (3) Cr.P.C and the said complaint shall be accompanied by an affidavit as held by the Hon'ble Supreme Court in Priyanka Srivastava and another Vs. State of Uttar Pradesh and others [(2015) 6 SCC 287]. It has also directed that on receipt of such complaint, the learned Judicial Magistrate shall pass an order within 15 days either issuing directions or dismissing the petition. Subsequently, the said decision has been upheld by the Division Bench of this Court in G.Prabakaran Vs. The Superintendent of Police (cited supra).

4. A perusal of the xerox copy of the complaint in CrI.MP.No.3726 of 2019 shows the said complaint was filed before the Judicial Magistrate No.2, Kancheepuram on 17.12.2019, but till today the said complaint is kept pending. Hence, in view of the aforesaid decision, the learned Judicial Magistrate No.2, Kancheepuram is directed to dispose of the petitioner's complaint within a week from the date of receipt of a copy of this order.

5. With the aforesaid directions, this petition is disposed of.

Sd/-
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

The Judicial Magistrate No.2,
Kancheepuram.

+1 cc to M/s.Ashwin Kumar, Advocate Sr.No. 6759

AKM/29.01.2020/2P-3C /

CrI.O.P.No.1808 of 2020