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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No. 2581 of 2020

N.Shanmugam

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep by the Superintendent of Police,
Krishnagiri,
Krishnagiri District.
2. The Deputy Superintendent of Police,
Uthangarai Sub Division,
Krishnagiri District.
3. The Inspector of Police,
Kallavi Police Station,
Krishnagiri District.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, directing the respondents to accept the complaints of the petitioner dated 10.09.2016 and 09.09.2019 and investigate the same in accordance with law and take further action.

For Petitioner : Mr.C.K.M.Appaji

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

O R D E R

This Criminal Original Petition has been filed to direct the respondent to take further action in respect of the petitioner's complaints dated 10.09.2016 and 09.09.2019.

2. Heard Mr.C.K.M.Appaji, learned counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for the respondents.

3. In view of the Judgment of the Hon'ble Division Bench of this Court in Crl.O.P.(MD)No.13681 of 2018 and batch of



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number any petition without due compliance.

(ix) This Court is not bound to direct the police to register the complaint in all cases not withstanding the breach of time table furnished in Lalitha Kumari's case.

(x) The judicial Magistrates, while dealing the petitions under Sections 156(3) Cr.P.C. are directed to keep in mind the narratives in Lalitha Kumari's case with specific reference to the cases, which might require a preliminary enquiry before issuing a direction to investigate and after careful perusal of the complaint. The other directions issued by the learned Single Judge in Sugesan Transport's case are upheld.

(xi) Eschewing Section 156(3) Cr.P.C. is only on exceptional and rarest of rare cases. Monstrosity of the offence, extreme official apathy and indifference, need to answer the judicial conscience, and existence of hostile environment are few of the factors to be borne in mind to bring a case under the rarest of rare one."

However, liberty is granted to the petitioner to work out his remedy in accordance with the guidelines issued by the Hon'ble Division Bench in the decision referred supra.

4. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police,
Krishnagiri,
Krishnagiri District.
2. The Deputy Superintendent of Police,
Uthangarai Sub Division,
Krishnagiri District.



3. The Inspector of Police,
Kallavi Police Station,
Krishnagiri District.

4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.K.M.Appaji, Advocate, S.R.No.19900

CRL.O.P.No. 2581 of 2020

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jrs(28/05/2020)
aa01/07/2020