

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No.10974 of 2020

Operation Mercy India Foundation (OMIF),
Rep. by Col. Jeyaraj Azaria (retd.)
S/o.Rathinam Jeyaran,
Senior Manager of Good Shepherd Schools of Tamilnadu,
Having its regd. Office at 2-2-96, Logos Bhavan, Medchal,
Jeedimetla Village, Quthbullapur Mandal,
Medchal District, Seunderabad,
Telangana 500 067, India ... Petitioner/Defacto
Complainant

Vs.

1. State by
Deputy Superintendent of Police,
B-2, Kanchi Taluk Police Station,
Kanchipuram
(CSR.No.2150 of 2019) ...1st Respondent/
Investigating Officer

2. Selvakumar
S/o.Swamydas,
H.No.181/97A, Kamaraja Street,
Devi Nagar, Indira Nagar,
Kanchipuram, Pin 631 505 ...2nd Respondent/Accused

PRAYER: Criminal Original Petition filed under Section 482 of
Cr.P.C. praying to call for records and issue direction to the
respondent No.1 to register FIR in CSR No.2150 of 2019 on the
complaint dated 26.11.2019 forthwith and take action
accordingly.

For Petitioner : Mr.C.Manishankar, Senior Counsel
for M/s.A.Ashwin Kumar

For Respondents

For R1: Mr.S.Karthikeyan

Additional Public Prosecutor.

O R D E R

This petition has been filed for a direction directing the first respondent to register FIR on the complaint of the petitioner dated 26.11.2019.

2. The petitioner lodged a complaint on 26.11.2019 before the Inspector of Police, B3 Kanchi Taluk Police Station, Kancheepuram and on receipt of the same, he issued C.S.R.No.2150 of 2019, but did not take any further action. Therefore, the petitioner made a detail representation to the higher officials for non registering the case. Thereafter, he filed a private complaint before the Judicial Magistrate No.II, Kancheepuram seeking for a direction under Section 156(3) of Cr.P.C. While pending the same, the petitioner also approached this Court in CrI.O.P.No.1808 of 2020 for a direction and this Court, vide its order dated 29.01.2020, directed the Judicial Magistrate No.II, Kancheepuram to dispose of the petitioner's complaint within a week. Thereafter, the Judicial Magistrate No.II, Kancheepuram by an order dated 01.02.2020 in CrI.M.P.No.3726 of 2019 directed the DSP, Kancheepuram, the first respondent herein, to investigate the complaint of the petitioner dated 26.11.2019. Even after passing of the order by the learned Magistrate, the first respondent did not take any step to register the FIR.

3. On perusal of records, it shows that the petitioner lodged a complaint on 26.11.2019 before the Inspector of Police, B3 Kanchi Taluk Police Station, Kancheepuram, but he did not take any action on the complaint after issuance of C.S.R.No.2150 of 2019. Therefore, the petitioner was constrained to file a private complaint before the the Judicial Magistrate No.II, Kancheepuram and seek a direction under Section 156(3) of Cr.P.C. It was ordered order on 01.02.2020, directing the first respondent herein to investigate the complaint dated 26.11.2019.

4. Considering the above facts and circumstances of the case, the first respondent is directed to register the FIR on the complaint lodged by the petitioner dated 26.11.2019 forthwith as against the accused persons and proceed with the investigation in accordance with law.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

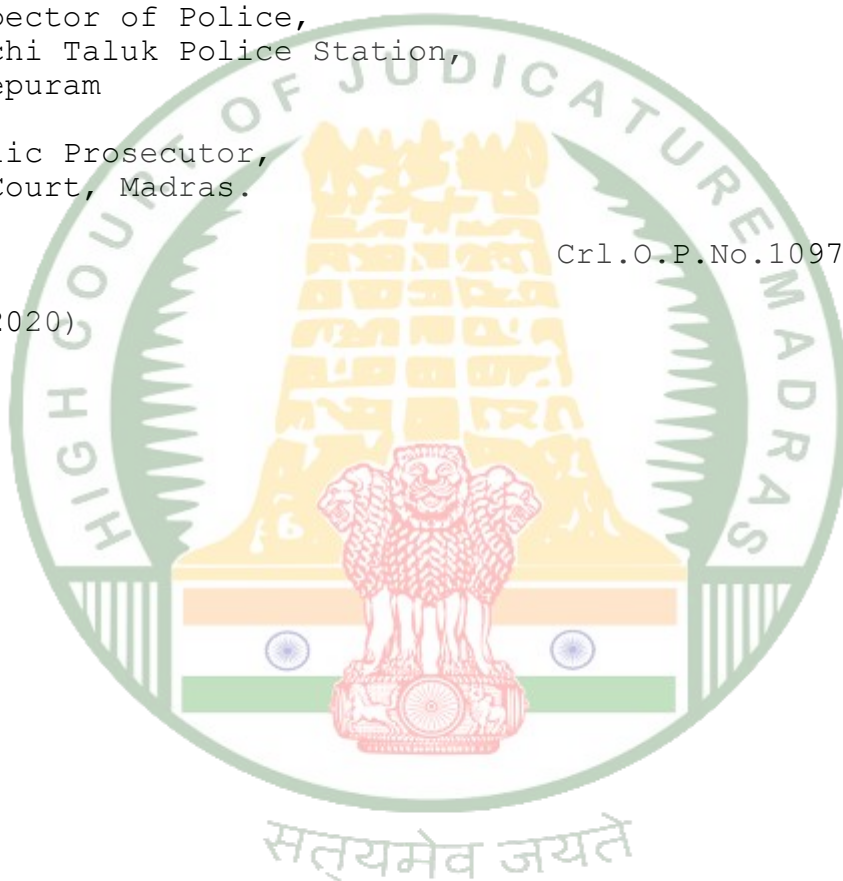
pvs

To

- 1.The Judicial Magistrate No.II,
Kancheepuram
- 2.The Deputy Superintendent of Police,
B-2, Kanchi Taluk Police Station,
Kanchipuram
- 3.The Inspector of Police,
B3 Kanchi Taluk Police Station,
Kancheepuram
- 4.The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.10974 of 2020

PVS (CO)
CB(25/09/2020)



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