

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.10.2020

CORAM:

THE HONOURABLE MR. JUSTICE R. PONGIAPPAN

Cr1.O.P.No.15852 of 2020

G.Ramesh

.. Petitioner

Vs.

1. The Commissioner of Police,
Greater Chennai Police,
No.132, Commissioner Office Building,
E.V.K.Sampath Road,
Vepery,
Chennai - 600 007.

2. Deputy Commissioner of Police,
C-1, Flower Bazaar Police Station,
Rattan Bazaar Road,
George Town,
Chennai - 600 001.

3. The State Rep. by
The Inspector of Police,
P-6, Kodungaiyur Police Station,
Kodungaiyur,
Chennai - 600 118.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the 1st respondent herein to forthwith direct the 3rd respondent to register the case upon the Complaint of the petitioner dated 09.03.2020 and pursue follow action in accordance with law.

For Petitioner : Mr.A.Kumar

For Respondents: Mrs.M.Prabhavathi
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking direction to direct the third respondent to register the case upon the complaint of the petitioner dated 09.03.2020.

2. Heard Mr.A.Kumar, learned counsel for the petitioner and Mrs.M.Prabhavathy, learned Additional Public Prosecutor appearing for the respondents police.

3. In view of the Judgment in M.Subramaniam vs. S.Janaki reported in 2020 SCC Online SC 341 dated 20.03.2020, now the law in respect to the registration of the complaint has been well settled by our Hon'ble Apex Court that before filing the application under Section 482 Cr.P.C., for the relief of direction, directing the respondents police to register the case, the aggrieved party has to approach the Magistrate and to file a petition under Section 156(3) Cr.P.C. Only thereafter, the petitioner is entitled to file an application under section 482 Cr.P.C for the relief stated supra. But the petitioner herein, without filing any application before the Magistrate under Section 156(3) of Cr.P.C., has directly filed this petition and therefore, the petition filed by the petitioner is devoid of merits. However, the petitioner is at liberty to file a petition before the Magistrate concerned under Section 156(3) of Cr.P.C., within a period of one month from the date of receipt of a copy of this order.

4. With the above observation, this Criminal Original Petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner of Police,
Greater Chennai Police,
No.132, Commissioner Office Building,
E.V.K.Sampath Road,
Vepery, Chennai - 600 007.

2.Deputy Commissioner of Police,
C-1, Flower Bazaar Police Station,
Rattan Bazaar Road,
George Town, Chennai - 600 001.

3.The Inspector of Police,
P-6, Kodungaiyur Police Station,
Kodungaiyur, Chennai - 600 118.

4.The Public Prosecutor,
High Court, Madras.

+1 cc to M/s.A.Kumar, Advocate Sr.No. 33495

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SVI (CO)
RMP (02/11/2020)