

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.10.2020

CORAM:

THE HONOURABLE MR. JUSTICE R. PONGIAPPAN

Cr1.O.P.No.15865 of 2020

Anthonisamy

.. Petitioner

.Vs.

The Inspector of Police,
Anjetti Police Station,
Krishnagiri District.

.. Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondent police to register complaint based on the petitioner's complaint dated 07.09.2020 and to conduct enquiry and file a report within the stipulated time as prescribed by this Court.

For Petitioner : Mr.R.Balaguruswamy

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking direction to direct the respondent police to register the petitioner's complaint dated 07.09.2020 and conduct the enquiry and file a report.

2. Heard Mr.R.Balaguruswamy, learned counsel for the petitioner and Mrs.M.Prabhavathy, learned Additional Public Prosecutor appearing for the respondent 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 respondent police to register the case, the aggrieved party has to approach the Magistrate and 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

To

1. The Inspector of Police,
Anjetti Police Station,
Krishnagiri District.

2. The Public Prosecutor,
High Court, Madras.

+2cc to Mr.R.Balagurusamy, Advocate, Sr.No.32985

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