

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :07.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

CRL.O.P.NO.15864 OF 2020

S.Kumar

.. Petitioner

Vs.

State rep by
The Inspector of Police,
T-15, SRMC Police Station,
Porur, Chennai - 600 116.

.. Respondent

PRAYER:

Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondent to register the petitioner's complaint dated 20.09.2020 vide CSR No.803/2020 dated 21.09.2020 issued by the respondent and investigate the same in accordance with law.

For Petitioner : Mrs.M.Rajakantha

For Respondent : Mrs.M.Prabhavathi
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking direction to direct the respondent police to register the petitioner's complaint dated 20.09.2020 vide CSR.No.803/2020 dated 21.09.2020 and investigate the same in accordance with law.

2. Heard Mrs.M.Rajakantha, 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(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Inspector of Police,
T-15, SRMC Police Station,
Porur, Chennai - 600 116.
2. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.15864 of 2020

RP(CO)
CS/01/12/2020

सत्यमेव जयते

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