

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2020

CORAM :

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

CRL.O.P.NO.16180 OF 2020

Mr.M.Govindan

... Petitioner

Vs

1. The Superintendent of Police,
Villupuram District,
Villupuram - 605 602.

2. The Sub Inspector of Police,
Bramahadesam Police Station,
Bramahadesam,
Villupuram District - 604 301.

... Respondents

PRAYER:

Criminal Original Petition filed under Section 482 of Criminal Procedure Code to direct the respondent to register the FIR and take action on the petitioner's complaint dated 14.09.2020 in a time bound period.

For Petitioner : Mr.K.Mohanamurali.

For Respondents: Mrs.M.Prabhavathi,
Additional Public Prosecutor.

O R D E R

The matter was heard through "Video Conference".

2.This Criminal Original Petition has been filed seeking direction, to direct the respondent to register the FIR and take action on the petitioner's complaint dated 14.09.2020.

3.Heard Mr.K.Mohanamurali, learned Counsel appearing for the petitioner and Mrs.M.Prabhavathi, learned Additional Public Prosecutor appearing for the respondents police.

4.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.

5. 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 Superintendent of Police,
Villupuram District,
Villupuram - 605 602.
2. The Sub Inspector of Police,
Bramahadesam Police Station,
Bramahadesam, Villupuram District - 604 301.
3. The Public Prosecutor,
High Court of Madras,
Chennai.

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GP(CO)
CS/02/11/2020