

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Cr1.O.P.No.29704 of 2019

K.Sudha

.. Petitioner

Versus

1. The Commissioner of Police,
Vepery, Chennai - 7.

2. The Inspector of Police,
K3, Amjikai Police Station,
Amjikai, Chennai - 29.

.. Respondents

Prayer:

Petition filed under Section 482 Cr.P.C., seeking to direct the 1st respondent to take further action on petitioner's complaint dated 05.08.2019 on the file of the 1st respondent.

For Petitioner : Mr.T.Sundaravadanam

For Respondents : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking direction, to direct the 1st respondent to take further action on petitioner's complaint dated 05.08.2019, on the file of the 2nd respondent.

2. Heard the learned counsel for the petitioner and Mr.S.Karthikeyan, learned Additional Public Prosecutor appearing for the respondent police.

3. In view of the judgment in M.Subramaniam Vs. S.Janaki, reported in 2020 (5) CTC 464 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 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, the Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ars/sri

To

1. The Commissioner of Police,
Vepery, Chennai - 7.
2. The Inspector of Police,
K3, Amjikai Police Station,
Amjikai, Chennai - 29.
3. The Additional Public Prosecutor,
High Court, Madras.

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RR(CO)
CS/03/11/2020