



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P.[MD]No.9007 of 2020

D.Sivakumar

... Petitioner / Complainant

Vs.

**1.The Superintendent of Police,
District Police Office,
Tanjore, Tanjore District.**

**2.The Inspector of Police,
District Crime Branch,
District Police Office,
Tanjore, Tanjore District.**

... Respondents 1 & 2

3.M.Rajendran

... 3rd Respondent / Proposed Accused

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to issue a direction, directing the 2nd respondent herein to implement the order made in Crl.M.P.No.52 of 2020, on the file of Judicial Magistrate No.2, Tanjore, dated 27.07.2020, within a stipulated period as may be fixed by this Court.

For Petitioner	: Mr.R.Sundar
For Respondents (R1 & R2)	: Mr.A.P.G. Ohm. Chairma Prabhu Government Advocate

O R D E R

This Criminal Original Petition has been filed seeking a direction, to direct the 2nd respondent to implement the order made in Crl.M.P.No.52 of 2020, on the file of the learned Judicial Magistrate No.2, Thanjavur, dated 27.07.2020, within the stipulated period.

2. Today when the petition is came up for hearing, the learned counsel appearing for the petitioner would submit that in earlier, the petitioner herein presented a complaint before the learned Judicial Magistrate No.2, Thanjavur and prayed to register the case against the 3rd respondent. Though the learned Judicial Magistrate No.2, Thanjavur, directed the 2nd respondent Police to investigate the matter, the 2nd respondent Police did not obey the order passed by the learned Judicial Magistrate No.2, Thanjavur in Cr.M.P.No.52 of 2020, dated 27.07.2020.



3. On the other hand, the learned Government Advocate appearing for the respondent Police, on instructions, would submit that in the direction given to the 2nd respondent, the learned Judicial Magistrate, directed the 2nd respondent to file the report on or before 27.08.2020. Now, without considering the date, which was fixed by the learned Judicial Magistrate No.2, Thanjavur, the petitioner hurriedly filed this application and prayed to issue one more direction to the 2nd respondent.

4. Upon considering the arguments advanced by either side, it is not in dispute that the complaint filed by the petitioner under Section 156(3) Cr.P.C., has been forwarded to the 2nd respondent Police for enquiry. At this juncture, it is relevant to extract the order dated 27.07.2020, passed by the learned Judicial Magistrate No.2, Thanjavur, which reads as follows :-

"Records perused. Petition filed U/Sec.156 (3) in order to investigate the matter. In fine, this petition is forwarded to DCB Police, SHO, Thanjavur. On receipt of this petition SHO is direct to investigate the matter and file a report before this court on or before 27.08.2020."

5. So, the order passed by the learned Magistrate itself is very clear that the 2nd respondent is directed to file a enquiry report only on 27.08.2020. Without understanding the said position, the petitioner herein filed this application unnecessarily and prayed to pass the same order, which already passed by the learned Judicial Magistrate No.2, Thanjavur. Therefore, I am of the considered opinion that this Criminal Original Petition deserves to be dismissed with heavy costs upon the petitioner.

6. Accordingly, with the above direction, this Criminal Original Petition is dismissed with a costs of Rs.10,000/-. The petitioner shall pay a sum of Rs.10,000/- (Rupees Ten Thousand Only), to the Additional Registrar General i/c [The Registrar (Judicial), Madurai Bench of Madras High Court, for the improvement of amenities of this Court, within a period of one month from the date of receipt of a copy of this order.

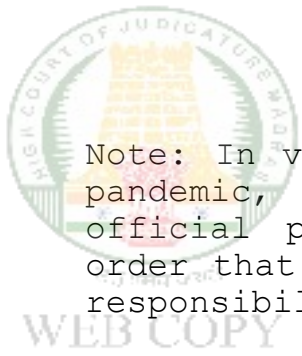
Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Judicial Magistrate No.2, Tanjore,
- 2.The Superintendent of Police,
District Police Office,
Tanjore, Tanjore District.
- 3.The Inspector of Police,
District Crime Branch, District Police Office,
Tanjore, Tanjore District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Copy to:

1. The Additional Registrar General, i/c
The Registrar (Judicial),
Madurai Bench of Madras High Court, Madurai.
2. The Section Officer,
Accounts Section,
Madurai Bench of Madras High Court, Madurai.

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27.08.2020

MPK

SDS (21.09.2020) 3P-7C