



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P(MD)No.14419 of 2020

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... Petitioner

vs.

1)The Superintendent of Police,
Kanniyakumari District.

2)The Inspector of Police,
Kaliyakkavilai Police Station,
Kanniyakumari District.

... Respondents

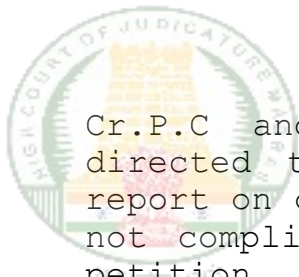
PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the 2nd respondent to register a case based on the order passed by the Judicial Magistrate No.I, Kuzhithurai in Crl.M.P.No.1229 of 2020 dated 21.08.2020.

For Petitioner : Mr.S.Sivakumar
For R1 & R2 : Mr.V.Neelakandan
Additional Public Prosecutor

ORDER

This petition has been filed to direct the 2nd respondent to register a case based on the order passed by the learned Judicial Magistrate No.I, Kuzhithurai in Crl.M.P.No.1229 of 2020 dated 21.08.2020.

2.The learned counsel for the petitioner would state that on 12.02.2020, the petitioner met with an accident and sustained injuries. Though the 2nd respondent/police came to the hospital and obtained information from the petitioner about the accident, they did not register any case. Since the accused being a police officer, he influenced the police and foisted a false case against the petitioner. The petitioner sent a complaint dated 06.03.2020 to the 1st respondent, but no action was taken. Aggrieved by the inaction of the respondents/police, the petitioner approached the Judicial Magistrate No.I, Kuzhithurai, under Section 156(3) of



Cr.P.C and the learned Magistrate by order dated 21.08.2020, directed the 2nd respondent to conduct investigation and file a report on or before 30.09.2020. Alleging that the 2nd respondent has not complied with the above order, the petitioner has filed this petition.

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3.The learned Additional Public Prosecutor on instructions would state that as per the order passed by the learned Judicial Magistrate No.I, Kuzhithurai, in CrI.M.P.No.1229/2020, dated 21.08.2020, the 2nd respondent/police has conducted investigation and filed the report before the learned Magistrate.

4.Heard the learned counsel for the petitioner as well as the learned Additional Public Prosecutor for the respondents.

5.Perusal of record shows that the learned Judicial Magistrate No.I, Kuzhithurai, vide order in CrI.M.P.No.1229/2020, dated 21.08.2020, has only directed the 2nd respondent/police to conduct investigation and to file a report on or before 30.09.2020 and the learned Additional Public Prosecutor would state that the report has already been filed by the 2nd respondent before the learned Magistrate. Therefore, it is for the learned Magistrate to decide whether FIR is to be registered or not, after going through the report filed by the 2nd respondent. There is no direction by the learned Magistrate to register the FIR and then to conduct the investigation. Thus, the present petition seeking to register the case based on the order passed by the learned Magistrate in my considered opinion, is misconceived. It is for the petitioner to pursue his remedy before the learned Judicial Magistrate.

Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CS-III)

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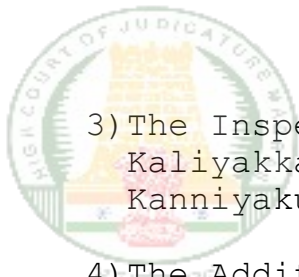
Sub Assistant Registrar(CS)

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To

1)The Judicial Magistrate No.I,
Kuzhithurai.

2)The Superintendent of Police,
Kanniyakumari District.



3) The Inspector of Police,
Kaliyakkavilai Police Station,
Kanniyakumari District.

4) The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P(MD)No.14419 of 2020

DATED : 17.12.2020

KG(CO)
CS(08.01.2021) 3P 5C