



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.7587 of 2021

G.Lingesh

... Petitioner

Versus

1. The Commissioner of Police
Office of Commissioner
Vepery, Chennai 600 007.
2. The Inspector of Police (Crime)
D-3, Ice House Police Station
Triplicane, Chennai 600 005.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to register the complaint of the petitioner dated 18.08.2020 as per the order passed in Crl.M.P.No.1358 of 2021. Before the IInd Metropolitan Magistrate Court at Egmore, dated 19.01.2021 on the file of the IInd Metropolitan Magistrate Court, Egmore.

For Petitioner : Mr.K.Suthan

For Respondents : Mr.A.Damodaran
Government Advocate (Crl.Side)

ORDER

This petition has been filed to direct the respondent to register the complaint of the petitioner dated 18.08.2020 as per the order passed in Crl.M.P.No.1358 of 2021 dated 19.01.2021 on the file of the II Metropolitan Magistrate Court, Egmore.

2. The grievance of the petitioner is that the petitioner had filed a petition under Section 156(3) of Cr.P.C., in CMP.No.1883 of 2020 before the XVIII Metropolitan Magistrate, Saidapet, and the Court below by order, dated 07.10.2020 had directed the Inspector of Police, E-1, Mylapore Police Station to register a complaint and investigate the case. Thereafter, the petitioner was informed that there is no cause of action in



the Mylapore Police Station. Hence, he had filed another petition before the II Metropolitan Magistrate, Egmore, in CMP.No.1358 of 2021 and by order dated 19.01.2021, the second respondent/Inspector of Police, D-3, Ice House Police Station, Triplicane was directed to register and investigate the case. The order copy has been sent along with Advocate covering letter dated 28.01.2021 on 15.02.2021 and thereafter, no action has been taken. Hence, the present petition has been filed before this Court.

3. The learned Government Advocate (Crl.Side) has submitted that the accused in this case had run an unregistered chit. The petitioner and other subscribers were cheated by the accused. One of the subscriber, viz., Shanthi has already lodged a complaint before the second respondent and a case in Crime No.228 of 2021 was registered for the offence under Sections 406 and 420 of IPC. In view of the same, subsequent complaint with regard to the same cause of action cannot be registered separately. Further, the copy of the order now referred by the petitioner has not been received by the second respondent. From the postal receipt, it is seen that the petitioner had sent the order copy along with Advocate covering letter to the Deputy Commissioner of Police, Triplicane and to the Inspector of Police, Ashok Nagar Police Station, but not to the second respondent. The second respondent has not received the order copy, which is being referred by the counsel for the petitioner. In any event, the learned Government Advocate (Crl.Side) has submitted that if the petitioner now furnishes the order copy, he would be taken as a witness and his complaint will be recorded, which will form part of the case in Crime No.228 of 2021.

4. In view of the same, the petitioner is directed to furnish the said order copy and thereafter, the second respondent shall examine the petitioner and add him as a witness in Crime No.228 of 2021.

5. With the above direction, this petition is disposed of.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

dna



To

1. The IInd Metropolitan Magistrate Court,
Egmore.
2. The XVIII Metropolitan Magistrate, Saidapet.
3. The Commissioner of Police
Office of Commissioner
Vepery, Chennai 600 007.
4. The Inspector of Police (Crime)
D-3, Ice House Police Station
Triplicane, Chennai 600 005.
5. The Public Prosecutor,
High Court, Madras.

CRL.O.P.No.7587 of 2021

PCH(CO)
CT/20/07/2021