

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.05.2021

Coram

The Honourable Mr. Justice G.CHANDRASEKHARAN

Crl.O.P.No.9109 of 2021

Manjula

... Petitioner

Versus

1.The Assistant Superintendent of Police,
Assistant Superintendent of Police Office,
Hosur.

2.State Represented by
The Inspector of Police,
Berigai Police Station,
Krishnagiri District

... Respondents

This Criminal Original Petition is filed under Section 482 of Cr.P.C praying to direct the second respondent Police to register the F.I.R based on the C.S.R.No.36 of 2021 dated 28.04.2021.

For Petitioner : Mr.L.Mahendran
For Respondents : Mr.S.Karthikeyan,
Addl. Public Prosecutor

O R D E R

This petition is filed seeking the relief of the registration of F.I.R based on C.S.R.No.36 of 2021 dated 28.04.2021.

2. Heard both sides.

3. The learned counsel for the petitioner produced the copy of the complaint dated 22.04.2021 addressed to the Deputy Superintendent of Police, Hosur and the copy of the C.S.R dated 28.04.2021.

4. The learned Additional Public Prosecutor submits that the C.S.R.No.36 of 2021 was closed on 03.05.2021, as the matter involved is a civil dispute with a direction to approach the Civil Court. The petitioner has now filed this petition without following the procedures mentioned in the case of Sugesan

Transport Pvt.Ltd - Vs - The Assistant Commissioner of Police and another in CrI.O.P.No.19197 etc., batch dated 27.09.2016. The petitioner should give a complaint before the concerned police station. If the F.I.R. is not registered by the Police, the petitioner should send complaint to the Deputy Superintendent of Police. Even then, if the F.I.R is not registered, the petitioner should approach the jurisdictional magistrate under Section 156(3) of Cr.P.C. If the Magistrate directs the jurisdictional police to register the F.I.R and even thereafter, the F.I.R is not registered, only then, the petitioner can approach this Court seeking directions under Section 482 of Cr.P.C. But, these procedures were not followed by the petitioner in this case.

5. Moreover, as pointed out by the learned Additional Public Prosecutor appearing for the respondent that C.S.R was closed on the ground that the matter involved is a civil in nature with a direction to approach the Civil Court for appropriate remedy. This Court find no merit in this matter.

6. This petition is dismissed accordingly.

Sd/-

Vacation Officer

//True Copy//

Sub Assistant Registrar

srn

To

1.The Assistant Superintendent of Police,
Assistant Superintendent of Police Office,
Hosur.

2.The Inspector of Police,
Berigai Police Station,
Krishnagiri District

3.The Public Prosecutor,
High Court of Madras,
Chennai - 600 104.

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UM(CO)
GN(16/06/2021)