

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :17.06.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.10553 of 2021

Mr.M.Kamalakaran

... Petitioner

.vs.

The State rep.by
The Inspector of Police (Crime),
H-4, Korukkupet Police Station,
Chennai 600 021.

..Respondent

Prayer:Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Inspector of Police (Crime), H-4, Korukkupet Police Station, Chennai to comply with the order passed on 01.03.2021 by the learned XV Metropolitan Magistrate, George Town, Chennai, u/s.156(3) of Cr.P.C., to register the case based on complaint of the complainant dated 30.11.2020 and investigate the same in accordance with law.

For Petitioner : Mr.K.Madhan

For Respondent : Mr.A.Damodharan,

Government Advocate (Crl.side)

ORDER

The petitioner had filed a petition under Section 156(3) of Cr.P.C., seeking registration of the case before the learned XV Metropolitan Magistrate.

2.The learned XV Metropolitan Magistrate by order dt.01.03.2021 in Crl.MP.No.07 of 2021, directed the respondent police to complete a preliminary inquiry into the complaint of the petitioner dt.30.11.2020. If any *prima facie* cognizable offence has been made out, the respondent shall register a case and investigate the matter. The preliminary inquiry to be completed within a period of 15 days. And thereafter, the petitioner was called for any enquiry. The petitioner was not aware of the directions issued by the Magistrate. He further submits that he relied upon the judgment of this Court in ***Sugesan Transport Pvt.Ltd., .v. The Assistant Commissioner of Police*** reported in ***(2016) (5) CTC 577***, one of the guidelines issued is that after the directions of the concerned Magistrate under Section 156(3) of Cr.P.C., within a period of 15 days, no action is taken they can approach this Court. In view of the same the petitioner has filed this petition.

3.The learned Government Advocate (Crl. Side) appearing for the respondent police submits that in this case the directions of the learned XV Metropolitan Magistrate has been complied with the respondent police. He submits that from the enquiry it revealed that it was purely a money dispute between the parties and finding that no *prima facie* case has been made out to issue CSR number or to file an FIR with regard to the report dt.14.03.2021 and it was submitted to the XV Metropolitan Magistrate.

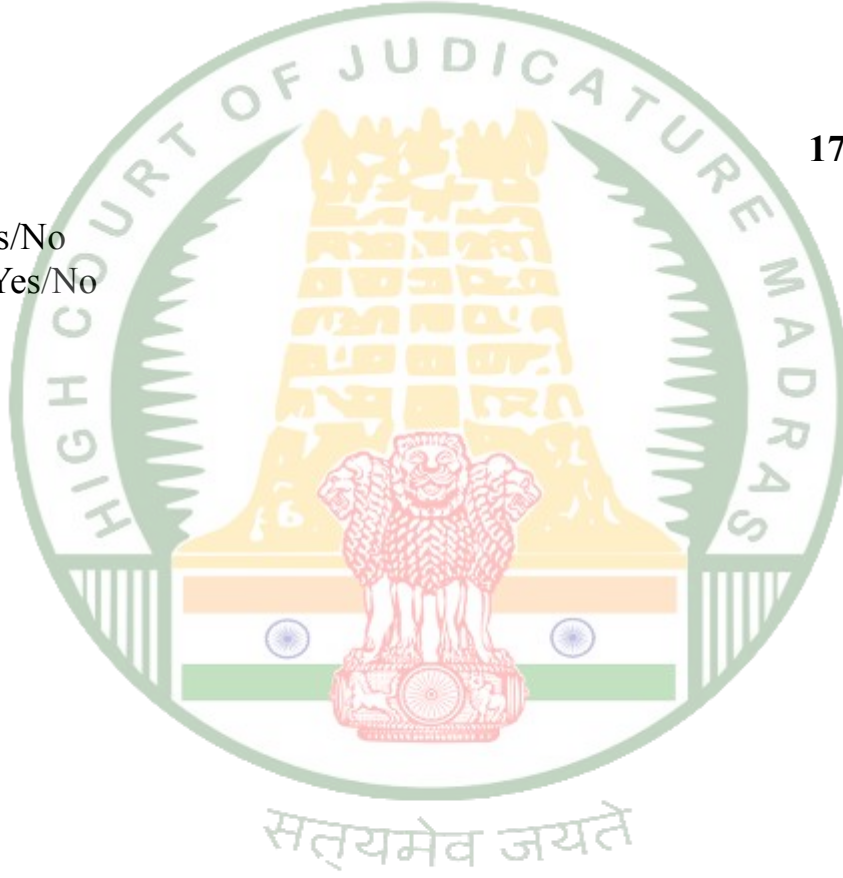
4.The petitioner submits that the copy of the representation was not made available to the petitioner and the petitioner is not aware about these aspects so that the petitioner could counter the enquiry report and make his submissions.

5.In view of the same, the learned XV Metropolitan Magistrate is directed to furnish a copy of the petition report to the petitioner and thereafter giving him an opportunity and dispose the case in accordance with law.

6.This criminal original petition is disposed of with the above direction.

17.06.2021

Index: Yes/No
Internet: Yes/No
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To

1.The Inspector of Police (Crime),
H-4, Korukkupet Police Station,
Chennai 600 021.

2.XV Metropolitan Magistrate,
George Town, Chennai.

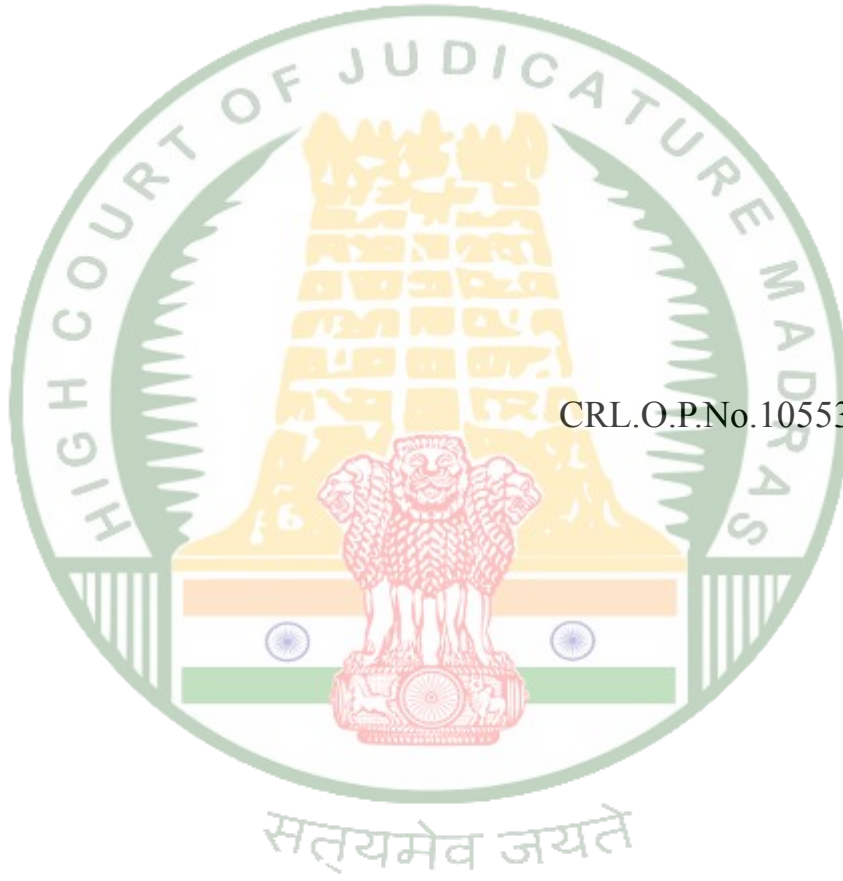
2.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

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