



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.07.2021

CORAM :

THE HONOURABLE **Mr. JUSTICE G.ILANGOVAN**

CrI.O.P.(MD)No.8870 of 2021

M.Malliga

... Petitioner

Vs.

1. The Superintendent of Police,
Theni District,
Theni.

2. The Inspector of Police,
Anti Land Grabbing Wing,
Theni District.

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent to register FIR on the basis of the private complaint dated 18.09.2019 Cr.M.P.No.28/2020 on the file of the learned Judicial Magistrate (Special Court for Land Acquisition Cases), Theni.

For Petitioner : Mr.S.Mahendrapathy

For Respondents : Mr.R.M.Anbunithi,

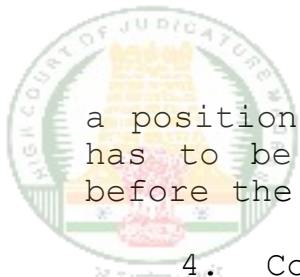
Additional Public Prosecutor

ORDER

This petition is filed seeking a direction to the second respondent to register FIR on the basis of the private complaint dated 18.09.2019 in Cr.M.P.No.28/2020 on the file of the learned Judicial Magistrate (Special Court for Land Acquisition Cases), Theni.

2. The case of the petitioner is that she filed a petition under Section 156 (3) Cr.P.C. in Cr.M.P.No.28 of 2020 before the learned Judicial Magistrate, Theni, seeking a direction to the Police to register a case and investigate the same. Later, a direction was issued by the learned Judicial Magistrate, Theni, to the concerned Police to register a case, investigate the same and file a final report. But, it came to the notice of the petitioner that without registering the case and without conducting the enquiry, the respondent Police seems to have closed the case, based on which, summon has been issued to the petitioner also, in respect of which, he has also sent a representation dated 07.07.2020 to the learned Judicial Magistrate (Special Court for Land Acquisition Cases), Theni, through a registered post. Hence, this petition.

3. When the matter is taken up for hearing, the learned counsel appearing for the petitioner submits that a direction may be issued to the learned Judicial Magistrate (Special Court for Land Acquisition Cases), Theni, to consider the representation sent by the petitioner on 07.07.2020 and due to the pandemic, she is not in



a position to appear before the Court. However, a protest petition has to be filed by the petitioner in proper format by appearing before the Court in person, so, for that, the petitioner seeks time.

4. Considering the request made by the learned counsel for the petitioner, liberty is granted to the petitioner to file a protest petition before the concerned Court, within 15 days from the date of receipt of a copy of this order. On receipt of the protest petition, the learned Judicial Magistrate, Theni, shall proceed the same in accordance with law.

5. With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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, Theni.

2. The Superintendent of Police,
Theni District.

3. The Inspector of Police,
Anti Land Grabbing Wing,
Theni District.

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

+1 CC to M/s.S.MAHENDRA PATHY, Advocate (SR-21903[F] dated
09/07/2021)

Crl.O.P. (MD)No.8870 of 2021
07.07.2021

KK(14.07.2021) 2P 6C

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