



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.11.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P (MD)No.18499 of 2021

Rajesh Kannan

... Petitioner

Vs.

1.The Inspector of Police,
Chinatharapuram Police Station,
Karur District.

2.The Sub Inspector of Police,
Chinatharapuram Police Station,
Karur District.

3.Nandhakumar @ Sasikumar @ Satheeskumar

4.Maheswari

... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the 1st and 2nd respondents police to register the First Information Report against the 3rd and 4th respondents on the basis of the direction given by the District Munsif Court, Aravakurichi, Karur in C.M.P.No.585 of 2021 dated 09.08.2021.

For Petitioner : Mr.K.Krishna

For Respondents : Mr.M.Sakthi Kumar,

Govt. Advocate (CrI. Side) for R1 & R2.

Mr.Gokul Raj for R3 & R4.

O R D E R

Heard the learned counsel on either side.

2.The petitioner filed a petition under Section 156(3) of CrPC in Cr.M.P.No.585 of 2021 before the Judicial Magistrate, Aravakurichi. By order dated 09.08.20221, direction was given to the Station House Officer, Chinatharapuram Police Station, Karur District. The grievance of the petitioner is that the Sub Inspector of Police, Chinatharapuram Police Station had filed the closure report. A copy of the closure report has been enclosed in the typed set of papers. The petitioner wants this Court to invoke its power under Section 482 of CrPC to give positive direction to the second respondent to register an FIR.

3.When the petitioner had already moved the jurisdictional Magistrate Court and rightly so, he must obtain further direction only from the concerned Court. The question of invoking the



jurisdiction under Section 482 of CrPC does not arise at all. The petitioner is given liberty to move the jurisdictional Magistrate for direction in the matter.

4.At this stage, the petitioner's counsel drew my attention to the fact that the petitioner had already obtained injunction decree in O.S.No.121 of 2010 on 08.08.2011. The fourth respondent herein is figuring as second defendant in the suit. According to the petitioner's counsel, the said injunction decree was not put to further challenge.

5.He has also stated that he has filed E.P.No.26 of 2021 before the Principal District Munsif Court, Karur, for executing the said injunction decree. The learned Principal District Munsif, Karur is directed to dispose of E.P.No.26 of 2021 on merits and in accordance with law within a period of four months from the date of receipt of a copy of this order.

6.This criminal original petition is disposed of accordingly. The Registry is directed to mark a copy of this order to the learned Principal District Munisf, Karur.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ias

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 Inspector of Police,
Chinatharapuram Police Station,
Karur District.
- 2.The Sub Inspector of Police,
Chinatharapuram Police Station,
Karur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



Copy to:

1.The Principal District Munsif Court,
Karur.

2.The District Munsif,
Aravakurichi,
Karur District.

+1 CC to M/s.K. KRISHNA, Advocate (SR-35902[F] dated 25/11/2021)

+1 CC to M/s.S. GOKULRAJ, Advocate (SR-35958[F] dated 25/11/2021)
Crl.O.P (MD) No.18499 of 2021
25.11.2021

PK(CO)
GC(03.12.2021) 3P 8C