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Crl.M.P.No.978 of 2022
in Crl.O.P.No.18514 of 2021

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M.NIRMAL KUMAR, J.

The petitioner earlier filed Crl. O.P. No.18514 of 2021 seeking for a direction to the respondent police to register an F.I.R based on his complaint dated 22.07.2021. Since case was not registered, the petitioner filed a petition under Section 156(3) of Cr.P.C before the Chief Judicial Magistrate, Pondicherry. On 06.09.2021, the Chief Judicial Magistrate, Pondicherry returned the said petition filed under Section 156(3) Cr.P.C., with following facts:

“CBCID police station is the jurisdiction of entire Union Territory of Pondicherry the said wing has been established for the purpose of investigation of cases, which warranted some special investigation and the said investigation can be directed by the Hon'ble High Court and State Government, not by invoking Section 156(3) of Cr.P.C before the Magistrate Court” .



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2. Since the prayer sought for in Crl. O.P. No.18514 of 2021 itself was for a direction to the respondent to register FIR, this Court passed an usual order on 17.11.2021, directing the petitioner to follow the Hon'ble Supreme Court's Judgment and this Court's Division Bench Judgment and to avail the remedy provided under Section 154(3) of Cr.P.C and 156(3) of Cr.P.C.

3. The petitioner filed this Criminal Miscellaneous Petition stating that earlier, the petitioner approached the Superintendent of Police, CBCID on 22.07.2021. On his inaction, he approached the Chief Judicial Magistrate, Pondicherry on 03.09.2021 and the same was returned. Hence, the petitioner already availed Sections 154(3) of Cr.P.C and 156(3) of Cr.P.C., which was not brought to the notice of this Court at that time. Therefore, he filed this present Criminal Miscellaneous Petition.

4. The learned counsel for the petitioner, referring to the typed set of



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papers filed now, submitted that as per G.O. M.S. No.4, Home (Police) Department, dated 12.01.1973, the CBCID wing was confirmed. Further, he referred to the proceedings of the Inspector General of Police (IGP), Puducherry in FR/22/SECY/IGP/86-Puducherry dated 04.07.1986, wherein, the functions of CID Crime Branch were assigned under the over-all supervision of the Superintendent of Police (Crime). Further, he submitted that, vide Standing Order No.3/88 dated 06.05.1988, the Inspector General of Police, Puducherry issued the order stating that hereinafter cases are to be transferred to CID only on the orders of SSP-II/SSP-I/IGP and no other complaint to be entertained. In view of the same, he seeks appropriate direction from this Court.

5. Mr.V.Balamurugan, learned Public Prosecutor, Puducherry appearing for the respondent submitted that the petitioner may be directed to give his complaint to Senior Superintendent of Police (SSP-II), Puducherry. On a perusal of the complaint, if SSP-II finds that investigation has only to be conducted by CB-CID, he can forward the same to CBCID to take appropriate action.



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6. In view of the above submission made by the learned Public Prosecutor (Pondicherry), the petitioner is directed to submit a copy of his complaint dated 22.07.2021 along with supporting documents to the SSP-II, Puducherry, who shall take appropriate steps in the manner known to law. The said process to be completed within a period of three weeks from the date of submission of the complaint.

7. The Crl.M.P. is disposed of in the above terms.

04.02.2022

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