



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.2330 of 2022

E.R.Abubaker

... Petitioner

Versus

1. The State Rep. by
The Inspector of Police,
M-4, Redhills Police Station,
No-1, 172A, GNT Road, Redhills,
Padianallur,
Chennai - 600 052.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to register the complaint of the petitioner dated 28/06/2021 in view of the order passed by the learned Hon'ble Judicial Magistrate No.II at Ponneri in Crl.M.P.No.5407 of 2021 dated 27.12.2021.

For Petitioner : Mr.L.Infant Dinesh

For Respondent : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

The prayer sought for herein is to direct the respondent to register the complaint of the petitioner dated 28.06.2021 in view of the order passed by the learned Hon'ble Judicial Magistrate No.II at Ponneri in Crl.M.P.No.5407 of 2021 dated 27.12.2021.

2. The case of the petitioner is that the petitioner lodged a complaint to the respondent against one Mohammed Imran and his family members. The complaint is that the marriage between the petitioner's daughter and I.Mohamed Imran on 16.12.2018. During the marriage, 100 sovereigns of gold and other articles were gifted to the petitioner's daughter. After marriage, on the demand of Mohammed Imran of the petitioner, the petitioner has given a sum of Rs.16,00,000/-



(Sixteen Lakhs only) and Rs.12,00,000/- and Rs.50,00,000/- on various occasions and having received the amount, the Mohammed Imran had left the petitioner's daughter in streets and fled away with the cash and her jewels.

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3. The grievance of the petitioner is that despite cognizable being made out, the respondent police after assigning C.S.R.No.209/2021 on the petitioner's complaint, has not taken any action on the same. Therefore, he sent a representation to the Deputy Commissioner of Police, M-2, Madhavaram and Commissioner of Police, Vepery on 20.09.2021. Subsequently the petitioner filed a petition under Section 156 (3) Cr.P.C. before the Judicial Magistrate Court, No.2 at Ponneri in CrI.M.P.No.5407 of 2021 and the said Court directed the police to register FIR for offences under Sections 406, 420 and 506 (i) I.P.C. at the earliest and file a final report on 27.12.2021, and despite the same no F.I.R. has been registered. It is further stated that as per the decision of the Division Bench of this Court, if the direction of the learned Judicial Magistrate is not complied with and no F.I.R. has been registered, it would amount to contempt proceedings and the petitioner can take contempt proceedings.

4. The learned Additional Government Pleader would submit that the special team has been formed by the respondent and the team is looking out for the accused in all directions and they are unable to find and secure the accused.

5. Considering the facts and also perusal of the complaint, this Court is unable to accept the contention of the learned Additional Public Prosecutor for the reason that pursuant to the directions of the learned Judicial Magistrate, the respondent ought to have taken appropriate steps for registration of F.I.R. and the same has not been done in this case. This clearly shows that the respondent Police is not interested neither in taking any action nor obeying the order of the learned Judicial Magistrate. Hence, this Court deprecates such act of the respondent in not registering the F.I.R. despite specific direction given by the learned Magistrate.

6. In view of the same, that there shall be a direction to the Deputy Commissioner of Police, (*) **Avadi** to take appropriate action against the respondent police. The respondent police is directed to register the F.I.R. immediately and handover the case diary to the (*) **Assistant** Commissioner of Police, (*) **Redhills** to file Final Report and take the case to its logical end.



7. With the above observation and direction this Criminal Original Petition is disposed of.

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Sd/-

Assistant Registrar(CS II)

Dated : 14.02.2022

**(*) Corrected as per order
of this Court dated 01.04.2022
made in Crl.M.P.No.4152/2022
in Crl.O.P.No.2330 of 2020**

Sd/-

Assistant Registrar(CS II)

Dated : 06.04.2022

//True Copy//

Sub Assistant Registrar

arr/rap

To

1.The Judicial Magistrate II,
Ponneri.

2.-do- through The Chief Judicial Magistrate,
Chennai.

3.The Inspector of Police,
M-4, Redhills Police Station,
No-1, 172A, GNT Road, Redhills,
Padianallur, Chennai - 600 052.

4.The Deputy Commissioner of Police,
Madhavaram.

5.The Assistant Commissioner of Police,
Madhavaram.

**(*) 6.The Assistant Commissioner of Police,
Redhills.**

**(*) 7.The Deputy Commissioner of Police,
Avadi.**

8.The Public Prosecutor,
High Court, Madras.

**Corrected order
to be
substituted
to the order
already
despatched on
22.02.2022**

+1cc to Mr.L.Infant Dinesh, Advocate **(*) SR. No.22013**

CRL.O.P.No.2330 of 2022

NRL (CO)

PR (15/02/2022)

NSK 07/04/2022