



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.4318 OF 2022

AND

CRL.M.P.NO.2173 OF 2022

G.Marimuthu

... Petitioner/
Defacto Complainant

Vs.

State represented by,
The Inspector of Police, (Crime)
H-1, Washermanpet Police Station,
Old Washermanpet,
Chennai - 600 021.

... Respondent/
Complainant

Prayer:

This Criminal Original Petition filed under Section 482 Cr.P.C., pleaded to direct respondent to register the FIR pursuant of the order dated 08.11.2021 passed in Crl.M.P.No.50 of 2021 by the Hon'ble XV Metropolitan Magistrate, George Town, Chennai.

For Petitioner : Mr.M.J.Nissar Ahamed
For R1 & R2 : Mr.N.Muthuvel
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to direct respondent to register the FIR pursuant of the order dated 08.11.2021 passed in Crl.M.P.No.50 of 2021 by the Hon'ble XV Metropolitan Magistrate, George Town, Chennai.

2. It is the grievance of the petitioner that despite the order of the learned XV Metropolitan Magistrate, George Town, Chennai in Crl.M.P.No.50 of 2021 dated 08.11.2021 passed under Section 156(3) of Cr.P.C to conduct the preliminary inquiry and if any prima facie case of commission of cognizable offence is made out, the respondent was directed to register a case and investigate the matter in accordance with law and complete this



process within a period of 15 days, the respondent police has not registered the case within the prescribed period.

3. Heard the learned counsel for the petitioner and Mr.N.Muthuvel, learned Government Advocate (Crl. Side) appearing for the respondent.

4. Considering the fact that the respondent police has not proceeded further, such action is condemnable. Hence, this Court is of the view that when the complaint indicates any cognizable offence, the respondent police has to act on the basis of the same. They cannot keep the complaint pending. In case the petition is pending, it is the duty of the Investigating Officer to issue notice to the parties and conduct enquiry as directed by the Hon'ble Apex Court in the case of Lalita Kumari Vs. Government of Uttar Pradesh and others [2014 (2) SCC (1)]. If any cognizable offence is made out, the respondent police is bound to register the FIR otherwise they may close the complaint. Such exercise shall be completed within a period of two weeks from today.

5. In view of the above direction, this Criminal Original Petition is disposed of. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rgi/ham

To

1. The XV Metropolitan Magistrate, George Town, Chennai.
2. The Inspector of Police,
H-1, Washermanpet Police Station,
Old Washermanpet,
Chennai - 600 021.
3. The Public Prosecutor,
Madras High Court, Chennai.

Crl.O.P.No.4318 of 2022
and Crl.M.P.No.2173 of 2022

PMK (CO)
PM/24/06/2022