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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.4362 of 2022

L.Samundeeswari

... Petitioner

Vs.

1. The Deputy Commissioner of Police,
Washermenpet Range,
H.5 New Washermenpet Police Station,
Chennai - 600 081.

2. State represented by,
The Inspector of Police,
H.5 New Washermenpet Police Station,
Chennai - 600 081.

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C., pleaded to direct the Inspector of Police, H5 New Washermenpet Police Station (L&O) register the First Information Report based on the complaint of the petitioner dated 15.09.2021 in CSR No.276/2021 in obedience with order of the Learned XV Metropolitan Magistrate, George Town, Chennai dated 02.11.2021 in Crl.M.P.No.58 of 2021.

For Petitioner : Mr.N.Krishnamoorthy

For R1 & R2 : Mr.N.Muthuvel
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to direct the Inspector of Police, H5 New Washermenpet Police Station (L&O) register the First Information Report based on the complaint of the petitioner dated 15.09.2021 in CSR No.276/2021 in obedience with order of the Learned XV Metropolitan Magistrate, George Town, Chennai dated 02.11.2021 in Crl.M.P.No.58 of 2021.

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.58 of 2021 dated 02.11.2021 passed under



Section 156(3) of Cr.P.C to register the FIR and investigate the matter in accordance with law and complete the exercise of registration of the case 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.

Sd/-
Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

rgi/ham

To

1. The XV Metropolitan Magistrate,
George Town, Chennai.
2. The Deputy Commissioner of Police,
Washermenpet Range,
H.5 New Washermenpet Police Station,
Chennai - 600 081.
3. The Inspector of Police,
H.5 New Washermenpet Police Station,
Chennai - 600 081.



4. The Public Prosecutor,
Madras High Court, Chennai.

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PMK (CO)

GMV (27/06/2022)

CrI.O.P.No.4362 of 2022