



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CRL.O.P.NO.6736 OF 2022

Saraswathi

... Petitioner

Vs.

State rep by
The Inspector of Police,
Andimadam Police Station,
Ariyalur District.

... Respondent

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the respondent to register the complaint of the petitioner dated 10.06.2021, in view of the order passed by the learned Judicial Magistrate-II, Jayamkondam in CrI.M.P.No.3104 of 2021 dated 09.12.2021.

For Petitioner : M/s.T.Lawrence Prabu

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor.

O R D E R

This Criminal Original Petition has been filed to direct the respondent to register the complaint of the petitioner dated 10.06.2021 in view of the order passed by the learned Judicial Magistrate-II, Jayamkondam in CrI.M.P.No.3104 of 2021 dated 09.12.2021.

2. It is the grievance of the petitioner that despite the order of the learned Judicial Magistrate-II, Jayamkondam in CrI.M.P.No.3104 of 2021 dated 09.12.2021 passed under Section 156(3) of Cr.P.C to expedite the enquiry and complete the same within two months, the respondent police has not completed the investigation within the prescribed period.



3. Heard the learned counsel for the petitioner and Mr. A. Gokulakrishnan, learned Additional Public Prosecutor 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 offences, 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-VIII)

//True Copy//

Sub Assistant Registrar

nr/shk

To

1. The Judicial Magistrate - II,
Jayamkondam.
2. The Inspector of Police,
Andimadam Police Station,
Ariyalur District.
3. The Public Prosecutor,
High Court of Madras.

+1cc to M/s. T. Lawrence Prabu, Advocate, S.R.No.35228

Cr1.O.P.No.6736 of 2022

PL (CO)
RLP (27/06/2022)