



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.7927 of 2022

G.Murugan

... Petitioner

Vs.

1. The Commissioner of Police,
Tambaram, Chennai.

2. The Inspector of Police,
Guduvanchery Police Station,
Chengelpet District.

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 2nd respondent to register the complaint of the petitioner dated 14.07.2021 in view of the order passed by the learned Judicial Magistrate No.II, Chengelpattu in Crl.M.P.No.8162 of 2021 dated 11.10.2021.

For Petitioner : M/s.S.Ramajayam

For Respondents : Mr.A.Gokulakrishnan for R1 and R2
Additional Public Prosecutor.

O R D E R

This Criminal Original Petition has been filed to direct the 2nd respondent to register the complaint of the petitioner dated 14.07.2021 in view of the order passed by the learned Judicial Magistrate No.II, Chengelpattu in Crl.M.P.No.8162 of 2021 dated 11.10.2021.

2. It is the grievance of the petitioner that despite the order of the learned Judicial Magistrate No.II, Chengelpattu in Crl.M.P.No.8162 of 2021 dated 11.10.2021 passed under Section 156(3) of Cr.P.C, the respondent police has not taken any action.

3.Heard the learned counsel for the petitioner and Mr.A.Gokulakrishnan, learned Additional Public Prosecutor for the respondents.



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 IV)

True Copy//

Sub Assistant Registrar

nr/shk

To

1. The Judicial Magistrate No.II,
Chengelpet.
2. The Commissioner of Police,
Tambaram, Chennai.
3. The Inspector of Police,
Guduvanchery Police Station,
Chengelpet District.
4. The Public Prosecutor,
High Court of Madras.

Crl.O.P.No.7927 of 2022

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NSK/24/06/2022