



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.8801 of 2022

J.Munusamy

...Petitioner

Vs.

State represented by,
The Inspector of Police,
Anti-Land Grabbing Special Cell,
Chengalpattu District (Formerly Kanchipuram),
Chengalpattu - 603 001.

...Respondent

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C., pleased to direct the respondent to register am FIR based on the complaint dated 13.11.2020.

For Petitioner : Mr.N.Tamilarasu

For Respondent : Mr.N.Muthuvel
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed to direct the respondent to register am FIR based on the complaint dated 13.11.2020.

2.It is the grievance of the petitioner that despite the order of the learned Judicial Magistrate No.II, Chengalpattu in C.M.P.No.3205 of 2021 dated 30.03.2021 passed under Section 156 (3) of Cr.P.C to expedite the enquiry based on the complaint given by the petitioner and if cognizable offence is made out, register the case, 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(CO)

//True Copy//

Sub Assistant Registrar

rgi/ham

To

1. The Inspector of Police,
Anti-Land Grabbing Special Cell,
Chengalpattu District (Formerly Kanchipuram),
Chengalpattu - 603 001.
2. The Public Prosecutor,
Madras High Court, Chennai.

+2cc to Mr.K.Jothilingam, Advocate, S.R.No.35229

Cr1.O.P.No.8801 of 2022

PA(CO)
RGA(23/06/2022)