



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.13637 OF 2022

S.Valliammal

... Petitioner

Vs.

1. State represented by,
The Superintendent of Police,
Thiruvannamalai,
Thiruvannamalai District - 606 604.
2. State represented by,
The Deputy Superintendent of Police,
Vandavasi Town,
Thiruvannamalai District - 604 408.
3. State represented by,
The Sub Inspector of Police,
Kilkodungalur Police Station,
Kilkodungalur, Vandavasi Taluk,
Thiruvannamalai District.

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C., pleased to direct the 3rd respondent police to register a case on the petitioner's complaint dated 03.02.2022 given before the 3rd respondent police as per the order of direction in Crl.M.P.No.106 of 2022 dated 03.03.2022 passed by the Judicial Magistrate Court, Vandavasi and to investigate the same in accordance with law.

For Petitioner : Mr.V.R.Appaswamee

For R1 to R3 : Mr.N.Muthuvel
Government Advocate (Crl. Side)



ORDER

This Criminal Original Petition has been filed to direct the 3rd respondent police to register a case on the petitioner's complaint dated 03.02.2022 given before the 3rd respondent police as per the order of direction in CrI.M.P.No.106 of 2022 dated 03.03.2022 passed by the Judicial Magistrate Court, Vandavasi and to investigate the same in accordance with law.

2. It is the grievance of the petitioner that despite the order of the learned Judicial Magistrate, Vandavasi in CrI.M.P.No.106 of 2022 dated 03.03.2022 passed under Section 156 (3) of Cr.P.C to expedite the enquiry based on the complaint given by the petitioner and complete the same within a period of two months, 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 (CrI. 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-IV)

//True Copy//

Sub Assistant Registrar

rgi/ham



To

1. The Superintendent of Police,
Thiruvannamalai,
Thiruvannamalai District - 606 604.
2. The Deputy Superintendent of Police,
Vandavasi Town,
Thiruvannamalai District - 604 408.
3. The Sub Inspector of Police,
Kilkodungalur Police Station,
Kilkodungalur, Vandavasi Taluk,
Thiruvannamalai District
4. The Public Prosecutor,
Madras High Court, Chennai.

+1cc to Mr.V.R.Appaswamee, Advocate, S.R.No.38795

Crl.O.P.No.13637 of 2022

PMK (CO)
RLP (24/06/2022)