



Crl.O.P.No.15387 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2022

CORAM

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

Crl.O.P.No.15387 of 2022

Rajalakshmi Buddha

... Petitioner

Vs.

1. The Director General of Police,
Chennai.

2. The Commissioner of Police,
Veppery,
Chennai – 600 008.

3. The Inspector of Police,
Tondiyarpet Police Station,
Chennai.

... Respondents

Prayer: This Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents to take action under Section 174-A of IPC based on the order of Crl.M.P.No.1743 of 2014 in C.C.No.6635 of 1997 passed by the learned IXth Metropolitan Magistrate, Saidapet, Chennai.

For Petitioner

: Mr.S.Ramajayam

For Respondents

: Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed to direct the respondents to take action under Section 174-A of IPC based on the order of CrI.M.P.No.1743 of 2014 in C.C.No.6635 of 1997 passed by the learned IXth Metropolitan Magistrate, Saidapet, Chennai.

2. The grievance of the petitioner is that accused has been convicted under Section 138 of Negotiable Instrument Act and despite the warrant was issued, he could not be secured as a result, the proclamation was also ordered by the Trial Court. Therefore, he seeks for a direction to the respondent police to register FIR under Section 174-A of IPC.

3. At the outset, this court is not able to agree with the submission made by the learned counsel for the petitioner. There is a bar under Section 195 Cr.P.C. to take cognizance of the offence punishable under Sections 172 to 188 IPC, unless the complaint in writing is made by the public servant concerned in this regard.



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4. In such view of the matter, the direction sought for by the petitioner cannot be granted.

5. At this juncture, the learned petitioner would submit that the accused is still residing in the particular address and the petitioner is ready to furnish the address to the police and he is also ready to co-operate with the investigating officer for securing the accused.

6. In view of the above, the petitioner is directed to furnish the address of the accused to the Investigating Officer and accompany him for executing warrant. If the accused is found in that address, the police shall execute the warrant immediately.

7. With the above directions, this Criminal Original Petition is disposed of.

05.07.2022

Speaking Order/Non-speaking Order

Index :Yes/No

Internet:Yes/No

ksa-2/nti



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N. SATHISH KUMAR,J.

ksa-2/nti

To

1. IXth Metropolitan Magistrate, Saidapet,
Chennai
2. The Director General of Police,
Chennai.
3. The Commissioner of Police,
Veppery,
Chennai – 600 008.
4. The Inspector of Police,
Tondiyarpet Police Station,
Chennai.
5. The Public Prosecutor,
Madras High Court,
Chennai.

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