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Crl.O.P.No.29506 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2022

CORAM:

THE HON'BLE Ms.JUSTICE **R.N.MANJULA**

Crl.O.P.No.29506 of 2022

Sudhakar

... Petitioner

Vs.

State rep. by:

The Inspector of Police,
H2-Guduvancheri Police Station,
Chengalpet-603 202.

... Respondent

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondent/police to register a case on the petitioner's complaint dated 10.03.2020 pending on the file of the respondent police.

For Petitioner : Ms.S.Aruna

For Respondent : Mr.S.Santhosh,
Govt. Advocate (Crl.Side)



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ORDER

This Criminal Original Petition has been filed to direct the respondent/police to register a case on the petitioner's complaint dated 10.03.2020 pending on the file of the respondent police.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

3. The learned counsel for the petitioner submitted that the petitioner was cheated by one Ramasamy, who is an Advocate, who had assured to clear the encumbrance on the property, which was proposed to be purchased by the petitioner; despite the complaint was given on 10.03.2020, no further action has been taken by the respondent police so far. Hence, the petitioner is before this Court seeking a direction to the respondent police to register the FIR.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submitted that a direction has been given in this regard under Section 156(3) of Cr.P.C by the learned Judicial Magistrate No.II, Chengalpattu on 15.11.2021 and the respondent is yet to comply the direction.

5. The petitioner has given the complaint before the respondent on 10.03.2020, in which the current paper enquiry has been initiated in



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CSR.No.561 of 2020 and it has been closed. Hence, the petitioner had given filed a petition under Section 156(3) Cr.P.C, in which, the learned Judicial Magistrate No.II, Chengalpattu has passed an order on 15.11.2021 as under:

*“3.SHO is directed to hold an enquiry and register the case if cognizable offence is made out and to follow the dictum laid down by the Hon'ble Supreme Court in the **Lalitha Kumari Vs.Govt of Uttrapradesh and others reported in (2013) (4) crimes 243 (SC).***

4. If the preliminary inquiry ends in closing the complaint, the closure report must be recorded along with the reasonings and a copy of the same shall be furnished to the complainant.”

6. Despite the direction has been given as early as 15.11.2021, the respondent police has not taken any serious steps to complete the direction and do the needful. Such callousness on the part of the respondent in obeying the order of the Court cannot be viewed lightly. Hence, the respondent is directed to obey the order of the Court in letter and spirit and comply the directions issued by the learned Judicial Magistrate No.II, Chengalpattu within a period of two weeks from the date of receipt of a copy of this order.



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R.N.MANJULA, J.

kmi

7. This Criminal Original Petition is disposed of with the above directions.

01.12.2022

Index: Yes/No

Speaking / Non Speaking Order
kmi

To

1.The Inspector of Police,
H2-Guduvancheri Police Station,
Chengalpet-603 202.

2.The Public Prosecutor,
High Court, Madras.

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