



WEB COPY



CrI.O.P No.24762 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2022

CORAM

THE HONOURABLE Ms. JUSTICE R.N.MANJULA

CrI.O.P No.24762 of 2021

N.M.Shanmugham

... Petitioner

Vs.

1. The State represented by
The Superintendent of Police,
O/o. Superintendent of Police,
Karaikal North,
Karaikal District.

2. The Inspector of Police,
Town Police Station,
Karaikal.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, praying to direct the first respondent to register the petitioner's complaint dated 03.09.2019 in view of the order passed by the Hon'ble Judicial Magistrate No.II, Karaikal in unnumbered C.C. /2019, order dated 09.01.2022.

For Petitioner : Mr. R.Thirumoorthy

For Respondent-1&2 : Mr.Raj Sharath
for V.Balamurugane
Public Prosecutor (Puducherry)



ORDER

WEB COPY This Criminal Original Petition has been filed to direct the first respondent to register the petitioner's complaint dated 03.09.2019 in view of the order passed by the learned Judicial Magistrate No.II, Karaikal in unnumbered C.C. /2019, dated 09.01.2022.

2. On a perusal of the records, it is seen that the learned Judicial Magistrate-II, Karaikal has passed an order dated 09.01.2020 directing the respondent police to enquire the case and register FIR if necessary. It is specifically mentioned in that order that the guidelines issued by the Hon'ble Apex Court in the case of *Lalithakumari Vs. State of Uttar Pradesh* should be complied with.

3. In the report submitted by the first respondent before the Judicial Magistrate on 27.02.2020 in compliance of the order of the Judicial Magistrate dated 09.01.2020, it is submitted by the first respondent that proper enquiry was initiated and the enquiry revealed that the petitioner and the opposite parties were frequently giving complaints against each other and in this regard a petition was filed before the Sub-Divisional Magistrate,



Karaikal to initiate action under Section 145 Cr.P.C. Subsequent to that the Sub-Divisional Magistrate, Karaikal has also ordered to maintain peace and good behaviour. The parties have executed a bond under Section 107 Cr.P.C. for a security amount of Rs.1,00,000/- in addition to furnishing single surety for a period of six months and the parties have also agreed to maintain status quo.

4. It will be appropriate for the petitioner and the opposite party to file a civil suit to resolve their civil dispute. Since the matters appears to be civil in nature no further action can be taken by the respondent police on the complaint given by the petitioner. The respondent police had sincerely followed the direction of the learned Judicial Magistrate and filed a report.

5. In view of the above, nothing remains for further consideration in this matter and hence the Criminal Original Petition is disposed.

21.09.2022

Index : Yes/No
Speaking Order : Yes / No
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R.N.MANJULA, J.,

bkn

To

1. The Superintendent of Police,
O/o. Superintendent of Police,
Karaikal North,
Karaikal District.
2. The Public Prosecutor
Puducherry.

Crl.O.P No.24762 of 2021

21.09.2022