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Crl.O.P.No.27493 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2022

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.O.P.No.27493 of 2022

1.K.Rathinavel
2.R.Parvathi
3.R.Vijay Anand

... Petitioners

Vs.

State Rep. by
The Inspector of Police
Tambaram
Chennai-600 045.

... Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C. praying to direct the respondent police to register the case based on the petitioner's complaint dated 26.12.2019 in terms of the order dated 29.01.2021, passed in Crl.M.P No.167 of 2021 on the file of the Judicial Magistrate No.II, Tambaram and file a report on the same within a time limit as stipulated by this Court.

For Petitioners : Mr.K.Venkatesan

For Respondent : Mr.S.Santhosh
Government Advocate (crl.side)



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ORDER

This Criminal Original Petition has been filed seeking a direction to the respondent police to register the case based on the petitioners' complaint dated 26.12.2019, in terms of the order dated 29.01.2021, passed in CrI.M.P No.167 of 2021 on the file of the Judicial Magistrate No.II, Tambaram and file a report on the same within a time limit as stipulated by this Court.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (crl.side) appearing for the respondent.

3. The learned counsel for the petitioners submitted that the petitioners had given a complaint against one Sethuraman on the allegation of cheating; since no action has been taken by the police, they had filed a petition under Section 156(3) of Cr.P.C on 24.02.2020 and on which, the learned Judicial Magistrate No.II, Tambaram has passed an order; despite the same, the respondent police did not register an FIR or conduct the enquiry in the manner as stated in the order.



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4. The learned Government Advocate (Crl.Side) submitted that the learned Judicial Magistrate-II, Tambaram has passed an order to conduct the preliminary enquiry and thereafter, register an FIR and the enquiry is still in progress.

5. It is to be noted that the order of the learned Magistrate has been passed on 29.01.2021, nearly two years ago. In the said order, it is seen as under:

"In the result, the Station House Officer, Tambaram Police Station is directed to make preliminary enquiry on the complaint dated 26.12.2019 and to proceed as per the decision of Lalita Kumari case reported in 2014 2 SCC page No.1 and to file report immediately".

6. Though the respondent should conduct enquiry in accordance with the guidelines laid down in the case of Lalita Kumari reported in **2014 2 SCC page 1**, the respondent police did not take any action for nearly two years. Therefore, the respondent police is directed to complete the enquiry



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within a period of two weeks from the date of receipt of a copy of this order and do the needful in accordance with law.

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

10.11.2022

Index: Yes/No
Internet: Yes/No
Speaking/Non speaking order

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To

1. The Judicial Magistrate No.II, Tambaram.

2. The Inspector of Police
Tambaram
Chennai-600 045.

3. The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA,J.

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