



Crl.O.P.No.27628 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2022

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.O.P.No.27628 of 2022

S.Senthil Kumar

... Petitioner

Vs.

1.The Superintendent of Police,
42G/249 Tiruchengodu-Namakkal-Trichy Road,
Near Collectorate Office,
Namakkal 637 003.

2.The Deputy Superintendent of Police,
Mr.Lakshmanan,
District Crime Branch,
42G/249, Tiruchengode-Namakkal-Trichy Road,
Near Collectorate Office,
Namakkal 637 003.

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C., to direct the second respondent to register a case and investigate as directed in order in Crl.M.P.No.4037/2022 dated 29.09.2022 on the file of the learned Judicial Magistrate No.I, Namakkal District based on the complaint dated 01.08.2022.

For Petitioner : Mr.C.Arun Kumar

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



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ORDER

This Criminal Original Petition has been filed to direct the second respondent to register a case and investigate as directed in the order passed in CrI.M.P.No.4037/2022 dated 29.09.2022 on the file of the learned Judicial Magistrate No.I, Namakkal District, based on the complaint dated 01.08.2022.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.Side) for the respondents.

3. The learned counsel for the petitioner submitted that on 29.09.2022, the petitioner got an order from the learned Judicial Magistrate No.I, Namakkal on the complaint given by him under Section 156(3) of Cr.P.C.; despite the learned Judicial Magistrate has directed the second respondent to register the case and investigate, so far FIR has not been registered.

4. The learned Government Advocate (CrI.Side) submitted that in pursuance of the direction given by the learned Judicial Magistrate, preliminary enquiry has been conducted, wherein, the matter appears to be



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civil in nature and the same was closed and the transaction taken place at Mauritius; the closure report has been sent to the Court.

5. The learned counsel for the petitioner further submitted that despite the Court has directed to register the FIR, the respondent police did not register the FIR, but proceeding to enquire the case without registering FIR.

6. However, it is seen from the order of the learned Judicial Magistrate No.I that he got satisfied that a *prima facie* case has been made out. Therefore, the second respondent could have conducted the enquiry after registering the FIR. In any ways, closure report has been filed already. If the petitioner has got grievance about the closure report, he is at liberty to file protest petition and seek appropriate legal recourse. The second respondent is directed to serve the copy of the closure report to the petitioner.

R.N.MANJULA ,J.



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7. With the above observations, this Criminal Original Petition is

disposed.

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Internet: Yes/No

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To

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Namakkal 637 003.

2.The Deputy Superintendent of Police,
Mr.Lakshmanan,
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3.The Public Prosecutor,
High Court, Madras.

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