



Crl.O.P.No.28813 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2022

CORAM:

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

Crl.O.P.No.28813 of 2022

E.Thirunavukarasu

... Petitioner

Vs.

1.The Superintendent of Police,
Villupuram.

2.The Inspector of Police,
Valathy Police Station,
Gingee Taluk, Villupuram District.

3.Kannaiyappan

4.Sundaramoorthy

5.Durai

6.Surya

7.Tamizhselvan

8.Malliga

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the second respondent to register the complaint dated 05.05.2022 filed by the petitioner based on the direction order in Crl.M.P.No.1825 of 2022



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passed by the learned Judicial Magistrate at Gingee dated 12.07.2022 and investigate the matter and file a final report.

For Petitioner : Mr.S.Ramajayam

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

ORDER

This Criminal Original Petition has been filed consequent to the direction given to the second respondent in the order of the learned Judicial Magistrate dated 12.07.2022 made in Crl.M.P.No.1825 of 2022.

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

3. The learned counsel for the petitioner submitted that the petitioner was assaulted and threatened by the respondents 3 to 8, in view of the previous enmity; even on the complaint given by the petitioner, no proper action has been taken by the respondents 1 and 2; therefore, the petitioner is before this Court.



4. The learned Government Advocate (Crl.Side) submitted that on the complaint given by the petitioner, current paper enquiry has been initiated in CSR No.481 of 2022 and after concluding the enquiry, the complaint has been closed on the observation that the matter is civil in nature.

5. However, the learned counsel for the petitioner submitted that since no action has been taken by the first and second respondents and hence he has filed a petition under Section 156(3) of Cr.P.C before the learned Judicial Magistrate, Gingee and on which, an order has been passed on 12.07.2022 by directing the second respondent police to conduct preliminary enquiry and do the needful in accordance with law. The said order is extracted hereunder:

“Heard. Perused the materials placed on record. The petitioner has filed his affidavit in support of the allegation made in the complaint. On going through the allegations in the complaint shows dispute between the complainant and respondents/Accused, hence this Court is of considered view that, the Police may conduct a preliminary inquiry based on the complaint in accordance with law and upon making such preliminary inquiry, the case ends in closing the complaint. A copy of the closure report must be supplied to the complainant. If, cognizable offence is disclosed, the Police is



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directed to proceed in accordance with the Chapter XII of Code of Criminal Procedure, 1973 and file the report as per the dictum of the Hon'ble High Court of Madras in Sugesan Transport Corporation Ltd., Vs. State. The report to be filed on or before 29.08.2022."

6. The learned Judicial Magistrate has ordered the second respondent to file a report in this regard on or before 29.08.2022. But it is learnt that the second respondent has not filed any report so far. Since it is an order of the Court, it is obligatory on the part of the second respondent to comply the order and file a report with the petition to condone the delay within a period of two weeks from the date of receipt of a copy of this order.

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

Index: Yes/No
Speaking / Non Speaking Order
gsk

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To

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- 1.The Superintendent of Police,
Villupuram.
- 2.The Inspector of Police,
Valathy Police Station,
Gingee Taluk, Villupuram District.
- 3.The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA, J.

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