



Crl.O.P.No.29226 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2022

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

Crl.O.P.No.29226 of 2022

K.Samuthiradevi

... Petitioner

Vs.

State Rep.by,
The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai – 600 081.

... Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Cr.P.C., to direct the respondent to register the petitioner's complaint dated 01.06.2022 in view of the order passed by the learned XV Metropolitan Magistrate Court, George Town, Chennai in Crl.M.P.No.7984 of 2022 dated 15.07.2022.

For Petitioner : Mr.R.C.Paul Kanagaraj for
Mr.T.V.G.Kartheeban

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

ORDER

This Criminal Original Petition has been filed to direct the respondent to register the petitioner's complaint dated 01.06.2022 in view



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of the order passed by the learned XV Metropolitan Magistrate Court, George Town, Chennai in CrI.M.P.No.7984 of 2022 dated 15.07.2022.

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

3. The learned counsel for the petitioner submitted that on the complaint given by the petitioner on the allegation that she was cheated by one Sumathi during the private Chit Scheme, no action has been taken; subsequently, the petitioner has filed a petition under Section 156(3) of Cr.P.C., before XV Metropolitan Magistrate Court, George Town, in CrI.M.P.No.7984 of 2022, seeking direction for registering the FIR; the learned Metropolitan Magistrate passed an order on 15.07.2022 as under:

“4. In result, this petition is allowed. The Inspector of Police (Crime), H-5, New Washermenpet Police Station, is directed to conduct the preliminary enquiry into the complaint of the petitioner dated 01.06.2022 and complete the same within a period of 7 days from today. If any prima facie case of commission of Cognizable offence is made out, the respondent shall immediately register a case and investigate the matter in accordance with law.”



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3.1. Thereafter, the enquiry has not been conducted within the specific time frame pointed out in the order dated 15.07.2022; however, on 14.11.2022, the closure report has been filed by stating that both the parties have not produced any documents to substantiate their allegations; in the closure report it is stated that the petitioner and the opposite party have blamed each other that they are in possession of the Chit documents; the above observation of the respondent would show that there is a *prima facie* proof that the said Sumathi has conducted a monthly Chit.

4. However, the learned Government Advocate (Crl.Side) submitted that since the report ought to have been filed before the learned XV Metropolitan Magistrate in pursuance of the order dated 15.07.2022, further orders should be obtained from the XV Metropolitan Magistrate, George Town, Chennai.

5. Since the report has to be filed before the learned XV Metropolitan Magistrate, George Town Chennai, I feel it is appropriate to direct the learned XV Metropolitan Magistrate to pass further orders on



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receipt of the report and by taking into consideration of the observations

made in the report.

6. With these observations, this Criminal Original Petition is disposed.

29.11.2022

Index: Yes/No

Internet: Yes/No

gsk



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To
WEB COPY

- 1.The Inspector of Police,
H-5, New Washermenpet Police Station,
Chennai – 600 081.
- 2.XV Metropolitan Magistrate,
George Town,
Chennai.
- 3.The Public Prosecutor,
High Court, Madras.



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R.N.MANJULA ,J.

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