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Crl.O.P.No.29857 of 2022

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 05.12.2022**

**CORAM**

**THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN**

**Crl.O.P.No.29857 of 2022**

Tr.S.N.Ranganath

... Petitioner

Vs.

1.The Superintendent of Police,  
Krishnagiri District.

2.The Inspector of Police,  
Hudco Police Station,  
Krishnagiri District.

... Respondents

**PRAYER:** This Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the second respondent to register FIR on the petitioner's complaint dated 14.03.2022 as per the order dated 07.07.2022 passed in Crl.M.P.No.2357 of 2022 by the Judicial Magistrate No.II, Hosur and to investigate the same.

For Petitioner : M/s.M.Mohamed Riyaz

For Respondents : Mr.S.Santhosh

Government Advocate (Criminal side)

**ORDER**

This Criminal Original Petition is filed to direct the second respondent to



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register FIR on the petitioner's complaint dated 14.03.2022 as per the order dated 07.07.2022 passed in Crl.M.P.No.2357 of 2022 by the Judicial Magistrate No.II, Hosur and to investigate the same.

2.The learned counsel for the petitioner submitted that a complaint under Section 156 (3) Cr.P.C. was given before the learned Judicial Magistrate, Hosur. The learned Judicial Magistrate, Hosur directed the Police to investigate the case. However, the respondent Police did not register the complaint and investigate the case. Therefore, this petition.

3.The learned Government Advocate (Criminal Side) submitted that the complaint given by the petitioner under Section 156 (3) Cr.P.C. before the learned Judicial Magistrate, Hosur, was sent to the respondent/Police for investigating the case and for report from SHO.

4.It is further submitted by the learned Government Advocate (Criminal Side) that after receiving the complaint forwarded under Section 156 (3) Cr.P.C., respondent/Police conducted preliminary enquiry and found that the dispute between the parties is civil in nature and no cognizable offence is made out for



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registration of First Information Report.

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5.The learned counsel for the petitioner relying on the judgment reported in ***2008 2 SCC 409 [Sakiri Vasu Vs. State of U.P. And others] in Appeal (Crl).No.1685 of 2007 dated 07.12.2007***, submitted that the Police has no option except to register the First Information Report, if a cognizable offence is disclosed in the complaint.

6.However, this Court disagrees with the submission of learned counsel for the petitioner for the reason that this proposition will not apply to the facts of the case in view of the fact that the respondent/Police on preliminary enquiry found that the dispute between the parties is civil in nature and does not make out cognizable offence for registration of First Information Report.

7.In this view of the matter, this Criminal Original Petition is dismissed giving liberty to the petitioner to work out his remedy in the manner known to law.

8.Accordingly this Criminal Original Petition is dismissed.



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Index: Yes/No

Speaking/Non speaking order

**G.CHANDRASEKHARAN.J.,**

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To

- 1.The Superintendent of Police,  
Krishnagiri District.
- 2.The Inspector of Police,  
Hudco Police Station,  
Krishnagiri District.
- 3.The Public Prosecutor,  
High Court of Madras.

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