



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.01.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)No.1366 of 2022

WEB COPY

O.Pauline Dora

... Petitioner

vs.

1.The Superintendent of Police,
Kanyakumari District,
Kanyakumari.

2.The Inspector of Police,
All Woman Police Station,
Colachel,
Kanyakumari District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondents to register a case on the accused as per the order of Judicial Magistrate, Iraniel in the order of Crl.M.P.No.2079 of 2019, dated 08.04.2019 based on the complaint given by the petitioner on 07.03.2019 over the accused.

For Petitioner	:	Mr.R.Ramasamy
For R1 & R2	:	Mr.M.Sakthi Kumar
		Government Advocate (Crl.)

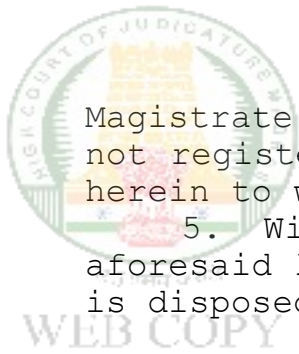
O R D E R

Heard the learned counsel for the petitioner and the learned Government Advocate appearing for R1 & R2.

2. The petitioner wants this Court to direct the second respondent to register an FIR based on the order dated 08.04.2019 passed by the jurisdictional Magistrate in Crl.M.P.No.2079 of 2019.

3. When the matter was taken up for hearing, the learned Government Advocate (crl.side) submitted that the matter was enquired and closed as early as on 08.04.2019. While the respondents would claim that the closure report was served on the petitioner, the petitioner's counsel disputes the said statement.

4. Therefore, the second respondent is directed to serve a closure report afresh on the petitioner, so that, the petitioner can take appropriate legal remedies. Of-course, I need to deal with the petitioner's counsel's contention that the second respondent was obliged to register an FIR. I perused the order dated 08.04.2019. It calls upon the second respondent to enquire into the matter and if cognizable offence is made out, register an FIR. In other words, no categorical direction to register an FIR was given by the



Magistrate. Therefore, I do not fault the second respondent for not registering an FIR. In any event, it is open to the petitioner herein to work out her rights in the manner known to law.

5. With this direction to the second respondent and the aforesaid liberty to the petitioner, this Criminal Original Petition is disposed of.

Sd/-

Deputy Registrar (LA&MC)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Superintendent of Police,
Kanyakumari District,
Kanyakumari.
- 2.The Inspector of Police,
All Woman Police Station,
Colachel,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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_RD(02.03.2022) 2P 4C