



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2022

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

Crl.O.P.(MD) No.3852 of 2022

A.Prabaharan Jebastin

...Petitioner

Vs.

1. The Inspector of Police
City Crime Branch
Tirunelveli City

2. The Inspector of Police
Melapalayam Police Station
Nethaji Road, Melapalayam
Tirunelveli-627 005

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to set-aside the cryptic order dated 07.01.2022 passed in Crl.M.P.(MD)No.7225 of 2021 by the learned Judicial Magistrate-V Tirunelveli and direct the 1st respondent Police to register a FIR against the accused persons.

For Petitioner : M/s.M.S.SureshKumar

For Respondents : Mr.R.M.Anbunithi
No.1 & 2 Additional Public Prosecutor

ORDER

This petition has been filed seeking direction to set-aside the cryptic order dated 07.01.2022 passed in Crl.M.P.(MD)No.7225 of 2021 by the learned Judicial Magistrate-V Tirunelveli and direct the 1st respondent Police to register a FIR against the accused persons.

2. The petitioner has lodged complaint before the second respondent, however the second respondent did not enquire the same and as such the petitioner was constrained to file a petition in Crl.M.P.No.7225 of 2021 before the learned Judicial Magistrate No.V, Tirunelveli and the learned Magistrate by an order dated 07.01.2022 had directed the second respondent to enquire and file a report and as such the second respondent has forwarded the complaint before the first respondent and the first respondent without even registering the First Information Report has closed the complaint.

3. It is seen that when the magistrate has specifically directed the first respondent to conduct investigation after



registration of the First Information Report, as contemplated under Section 156(3) of Cr.P.C., the first respondent ought to have registered the First Information Report and concluded the investigation, but the first respondent without even registering the First Information Report, simply closed the complaint.

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4. In view of the same the closure report submitted by the first respondent is set aside and the first respondent is directed to register the First Information Report and complete the investigation within a period of two weeks from the date of receipt of a copy of this order.

5. With the above direction, the Criminal Original Petition stands disposed of.

Sd/-
Assistant Registrar(AE)

/TRUE COPY/

/ /2022
Sub Assistant Registrar(CS)

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To

1. The Inspector of Police
City Crime Branch
Tirunelveli City
2. The Inspector of Police
Melapalayam Police Station
Nethaji Road, Melapalayam
Tirunelveli-627 005
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court

+1 CC to M/s.M.S.SURESH KUMAR, Advocate (SR-8579[F] dated 25/02/2022)

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MK/07.03.2022/2P/5C