



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.02.2022

CORAM:

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

Crl.O.P.(MD)No.2646 of 2022

Sivapackiya Poosari

... Petitioner

Vs

1. The Superintendent of Police
Virudhunagar District.

2. The Inspector of Police
South Police Station
Rajapalayam, Virudhunagar District.

3. Maheshwari ... Respondents

Prayer: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the second respondent to register the First Information Report against the third respondent after investigating the complaint

For Petitioner : Mr. Lakshmi Gopinathan

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

ORDER

This Criminal Original Petition has been filed seeking a direction to direct the second respondent to register the First Information Report against the third respondent after investigating the complaint

2. The petitioner had lodged complaint before the second respondent, till now the complaint was not enquiry, hence the petitioner was constrained to file a petition under Section 156(3) before the learned Judicial Magistrate, Rajapalayam, wherein the learned Magistrate has directed the second respondent police to conduct enquiry and take appropriate action. However, the second respondent without even registering any First Information Report has conducted enquiry and closed as if the allegations are civil in nature.

3. The learned Magistrate has specifically directed under Section 156(3) to enquire the complaint, therefore the second respondent ought to have registered the First Information Report, then conduct enquiry and thereafter has to close the complaint.



4. In view of the same, as directed by the learned Judicial Magistrate, Rajapalayam, the second respondent is directed to register the First Information Report, conduct investigation and file a report before the learned Magistrate.

5. With the above direction the petition stands disposed of.

Sd/-

Assistant Registrar (AD II)

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Sub Assistant Registrar(CS)

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To

1.The Judicial Magistrate, Rajapalayam

2.The Superintendent of Police
Virudhunagar District.

3.The Inspector of Police
South Police Station
Rajapalayam, Virudhunagar District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.POLAX LEGAL SOLUTIONS, Advocate (SR-4870[F] dated
08/02/2022)

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MGJ(18.02.2022) 2P 6C