



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2022

CORAM:

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

Crl.O.P.(MD) No.5661 of 2022

M/s.Varshini Properties and Developers

Rep. by its Proprietor

Mr.S.Rajan

...Petitioner

Vs.

State rep. by

The Inspector of Police,

Seermigu Kodaikanal Police Station,

Kodaikanal,

Dindigul District.

...Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the Inspector of police, Seermigu Kodaikanal Police Station, Kodaikanal Dindigul District, register the First Information Report based on the complaint of the petitioner dated 31.03.21 in CSR.No.199/2019 in obedience with the order of learned District Munsif cum Judicial Magistrate Court, Kodaikanal dated 20.07.2021 in Crl.M.P.No.1540 of 2021.

For Petitioner : Mr.G.Kalidoss

For Respondents : Mr.R.M.Anbunithi

No.1 Additional Public Prosecutor

ORDER

This petition has been filed seeking direction to direct the Inspector of police, Seermigu Kodaikanal Police Station, Kodaikanal Dindigul District, register the First Information Report based on the complaint of the petitioner dated 31.03.21 in CSR.No.199/2019 in obedience with the order of learned District Munsif cum Judicial Magistrate Court, Kodaikanal dated 20.07.2021 in Crl.M.P.No.1540 of 2021.

2. The petitioner originally lodged complaint before the respondent and the same has not been registered, therefore the petitioner was constrained to file a petition in Cr.M.P.No. 1540 of 2021 under Section 156(3) before the learned Judicial Magistrate, Kodaikanal by an order dated 20.07.2021 had directed the respondent to enquire the petitioner's complaint and register the First Information Report and then to investigate, however the respondent did not even register the same till today.

3. The learned Additional Public Prosecutor would submit that as directed by the learned Magistrate the respondent police



conducted enquiry and closed the same on 24.02.2022 and submitted a report before the learned Magistrate.

4. 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 respondent ought to have registered the First Information Report and concluded the investigation, but the respondent without even registering the First Information Report, simply closed the complaint.

5. In view of the same the closure report submitted by the respondent is set aside and the respondent is directed to register the First Information Report and complete the investigation and file a final report before the concerned Court within a period of twelve weeks from the date of filing of final report.

6. Accordingly the Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (RTI)

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/ /2022

Sub Assistant Registrar(CS)

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To

1.The Judicial Magistrate,
Kodaikanal.

2.The Inspector of Police,
Seermigu Kodaikanal Police Station,
Kodaikanal,
Dindigul District.

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

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