



Crl.O.P.(MD) No.20322 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.11.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P (MD) No.20322 of 2022

Prakash

...Petitioner

vs

**1.The Superintendent of Police,
Theni District,
Theni.**

**2.The Inspector of Police,
Cumbum South Police Station,
Cumbum,
Theni District.**

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the second Respondent to comply with the order of the learned Judicial Magistrate, Uthamapalayam in Cr.M.P.No.3993/2020 dated 23.08.2022 and registered a FIR within a time stipulated by this Court.

For Petitioner : Mr.P.M.Vishnuvarthanan

**For Respondents: Mr.R.Sivakumar
Government Advocate (Crl.side)**



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ORDER

This Criminal Original Petition had been filed to direct the second Respondent to comply with the order of the learned Judicial Magistrate, Uthamapalayam passed in Cr.M.P.No.3993 of 2020 dated 23.08.2022 and to register the case.

2.It is the submission of the learned Counsel for the Petitioner that the Petitioner had already preferred the complaint with the Respondent Police. The Respondent Police failed to register the case. Therefore, he had approached the Court of the learned Judicial Magistrate, Uthamapalayam and filed Cr.M.P.No.3993 of 2020, which was ordered by the learned Judicial Magistrate, Uthamapalayam on 23.08.2022. The complaint was preferred under Section 156 (3) Cr.P.C.

3.In the order, the learned Judicial Magistrate, Uthamapalayam had directed the Respondents to conduct an enquiry and file a report before the Court concerned within a month from the date of receipt of a copy of the order.



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4.It is the further contention of the learned Counsel for the Petitioner that subsequent to the orders passed by the learned Judicial Magistrate, Uthamapalayam, the Petitioner had been regularly appearing before the second Respondent. The second Respondent was showing scant regard to the orders of the learned Judicial Magistrate, Uthamapalayam and he had challenged them that he can take contempt also against the second Respondent. The Petitioner was feeling depressed due to the conduct of the second Respondent. Therefore, he had approached this Court by filing this petition under Section 482 Cr.P.C.

5.The learned Government Advocate (Crl.side) for the Respondents would submit that based on the order passed by the learned Judicial Magistrate, Uthamapalayam in Cr.M.P.No.3993 of 2020 dated 23.08.2022, the second Respondent had conducted an enquiry. In that enquiry, it was found that the Petitioner had relationship with the Complainant, Aarthi. Subsequently, the said Aarthi married her relative by name Rajakiri. The Petitioner herein is alleged to have created ruckus in the house of the said Aarthi, thereby forcing the said Aarthi and her relatives to lodge the



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complaint with the All Women Police Station, Bodinayakanur, which was registered in Crime No.1 of 2020 for the offences under Sections 417, 495 and 506(2) IPC. The said All Women Police Station, Bodinayakanur had proceeded with the investigation and laid the final report in C.C.No.46 of 2020 before the Court of the learned Judicial Magistrate, Bodinayakanur. Therefore, the Investigation Officer in this case had sent a report to the learned Judicial Magistrate, Uthamapalayam that this is a counter blast to the case in C.C.No.46 of 2020 pending on the file of the learned Judicial Magistrate, Bodinayakanur.

6.Recording the submission of the learned Government Advocate (Crl.side), this Criminal Original Petition is closed.

Internet:Yes/No

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Index:Yes/No

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To

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

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- 2.The Inspector of Police,
Cumbum South Police Station,
Cumbum,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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