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Crl.OP.No.3474 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.3474 of 2023

Kanagamuthu

... Petitioner

Vs.

1.Inspector of Police,
R-5, Virugambakkam Police Station,
Virugambakkam,
Chennai.

2.K.Karthikeyan
3.Krishnasamy
4.Rajendran
5.Suthandhiram

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the 1st respondent to comply with the order dated 05.07.2022 passed in Crl.M.P.No.10035 of 2022 on the file of the XIII Metropolitan Magistrate, Saidapet.

For Petitioner : Mr.Kanimozhi Mathi

For R1 : Mr.S.Santhosh
Government Advocate (Crl.Side)



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ORDER

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This Criminal Original Petition has been filed to direct the first respondent to comply with the order dated 05.07.2022 passed in Crl.M.P.No.10035 of 2022 on the file of the learned XIII Metropolitan Magistrate, Saidapet.

2.The learned counsel for the petitioner submitted that the learned XIII Metropolitan Magistrate, Saidapet passed an order in Crl.M.P.No.10035 of 2022 directing the SHO, R-5 Virugambakkam Police Station, Chennai to make an investigation on the complaint given by the petitioner under Section 156 Cr.P.C. and file a report within a period of one month from the date of receipt of the order. It is further submitted by the learned counsel for the petitioner that till now no report is filed by the first respondent before the learned XIII Metropolitan Magistrate, Saidapet. Therefore, the petitioner has filed this petition before this Court.

3.It is seen from the order of the learned XIII Metropolitan Magistrate, Saidapet dated 05.07.2022 that the learned Magistrate has directed the SHO of R5 Virugambakkam Police Station to conduct investigation on the complaint



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given by the petitioner following the dictum laid down by the Hon'ble Supreme Court of India in “**Lalithakumari Vs. State**” and “**Arnesh Kumar Vs. State**” and file a report within a period of one month from the date of receipt of the order. If no such report was filed before the learned XIII Metropolitan Magistrate, Saidapet, the petitioner can approach the learned Magistrate for appropriate orders and remedy. Without doing so, directly approaching this Court is not proper.

4. Therefore, this Criminal Original Petition is disposed giving liberty to the petitioner to approach the learned XIII Metropolitan Magistrate, Saidapet for appropriate remedy.

21.02.2023

Index : Yes / No
Speaking / Non Speaking order
Neutral Citation Case: Yes/No
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To

1. The XIII Metropolitan Magistrate, Saidapet, Chennai.
2. The Inspector of Police, R-5, Virugambakkam Police Station, Virugambakkam, Chennai.
3. The Public Prosecutor, High Court of Madras, Chennai.

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G.CHANDRASEKHARAN,J.

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