



CrI.O.P.No.9220 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 26.04.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.CHANDRASEKHARAN**

CrI.O.P.No.9220 of 2023

Anuja R.Bajaj

...Petitioner

Vs.

State represented by,
The Inspector of Police,
(Law and Order)
G-1, Vepery Police Station,
Vepery,
Chennai-600 007.

...Respondent

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondent Police to Register the complaint based on the order dated 16.09.2022 made in CrI.M.P.No.19253 of 2022 on the file of II Metropolitan Magistrate, Egmore, Chennai.

For Petitioner : Mr.M.Shreedhar
For Respondent : Mr.S.Santhosh
Government Advocate (CrI.Side)

ORDER



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This Criminal Original Petition has been filed directing the respondent Police to Register the complaint based on the order dated 16.09.2022 made in Crl.M.P.No.19253 of 2022 on the file of II Metropolitan Magistrate, Egmore, Chennai.

2. The learned counsel for the petitioner submitted that the petitioner filed a complaint under Section 156(3) of Cr.P.C on the file of the learned II Metropolitan Magistrate, Egmore, Chennai. The learned II Metropolitan Magistrate, Egmore, Chennai, passed an order dated 16.09.2022, directing the respondent to conduct preliminary enquiry and if any cognizable offence is made out, direction was given for registration of FIR and thereafter, to file a final report within a period of two months. Despite this order, it is claimed by the learned counsel for the petitioner that FIR is not registered and no investigation is conducted.

3. The learned Government Advocate (Crl.Side) submitted that the



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summon has been sent to the petitioner for preliminary enquiry to be conducted on 09.12.2022. The petitioner had received the summon, but failed to appear before the Investigating Officer. Another summon was sent for the appearance of the petitioner on 22.04.2023. If the petitioner appears for the enquiry, preliminary enquiry will be conducted and thereafter appropriate action will be taken.

4. After seeing the acknowledgment for receipt of copy of summon for the enquiry on 09.12.2022, the learned counsel for the petitioner disputed the signature of the petitioner claiming that the signature found in the acknowledgment for receipt of copy of summon is not that of the petitioner.

5. In the light of the rival submissions, this Court directs the respondent to send summon through registered post to the petitioner for preliminary enquiry, giving sufficient time for her appearance. Thereafter, the preliminary enquiry has to be conducted and FIR has to be registered, if



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commission of cognizable offence is made out and to be proceeded further.

This exercise has to be completed within a period of two months from the date of receipt of a copy of this order.

6. Accordingly, this Criminal Original Petition is disposed of.

26.04.2023

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Index:Yes/No

Speaking Order: Yes/No

To

1. The II Metropolitan Magistrate, Egmore, Chennai.

2. The Inspector of Police,
(Law and Order)
G-1, Vepery Police Station,
Vepery,
Chennai-600 007.

3. The Public Prosecutor,
Madras High Court.

G.CHANDRASEKHARAN.J.,

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