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Crl.O.P.No.15595 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Crl.O.P.No.15595 of 2023

M.Ganesan

.. Petitioner

Vs.

1. State Rep by
The Inspector of Police,
Kattumannarkoil Police Station,
Cuddalore District.
2. R.Sivasubramanian
3. C.Arulamuthan
4. Ganesamurthy
Union Panchayat President
Kattumannerkoil,
Kattumannerkoil Taluk,
Cuddalore District.
5. Thiru M.R.K.Paneerselvam, M.L.A.,
Minister of Agricultural,
Fort St.George,
Chennai - 600 009.

... Respondents



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PRAYER : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to issue suitable directions to the Hon'ble Principal Sessions and District Judge, Cuddalore to receive the private complaint dated 05.04.2023 and issue directions to the 1st respondent to investigate the said complaint and register the FIR against the respondents 2 to 5 in accordance with law.

For Petitioner : Ms.D.Bharathy

For Respondent No.1 : Mr.M.Babu Muthumeeran
Additional Public Prosecutor

ORDER

This criminal original petition has been filed for a direction to the Principal District and Sessions Judge, Cuddalore, to receive the private complaint filed by the petitioner on 05.04.2023.

2. Heard Ms.D.Bharathy, learned counsel for the petitioner and Mr.M.Babu muthumeeran, learned Additional Public Prosecutor for respondents.



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3. The grievance of the petitioner is that he gave a complaint to the respondent police and it was taken on file in CSR No.587 of 2022. However, the complaint was not investigated. Hence, the petitioner gave a complaint before the Superintendent of Police on 03.10.2022 and the same did not evoke any response. Subsequently, the petitioner filed a private complaint before the Principal District and Sessions Judge, Cuddalore and this complaint was also not entertained. Ultimately, the petitioner had sent the private complaint to the District Judge by way of registered post with acknowledgment due. Based on the same, the present petition has been filed for a direction to the District and Sessions Judge to take the complaint on file.

4. In the considered view of this Court, this Criminal



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Original petition is completely misconceived. If a police complaint is given and the same is not acted upon, inspite of the same being brought to the notice to the superintendent of police, the petitioner has to necessarily work out his remedy under Section 156(3) of Cr.PC by filing an application before the Magistrate. It is not known as to why such a complaint was presented before the District and Sessions Judge. In any case, the Sessions Court will not entertain such an application. Therefore, there is no question of directing the District and Sessions Judge to entertain the complaint given by the petitioner.

5. If the petitioner is aggrieved by the fact that his complaint was not investigated by the police, the petitioner has to necessarily work out his remedy before the concerned jurisdictional Magistrate Court under Section 156(3) of Cr.PC.



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Except giving this liberty, no further orders can be passed in this petition.

6. In the result, this Criminal original petition is disposed of in the above terms.

13.07.2023

Index : Yes/No

Speaking order:Yes/No

Neutral citation:Yes/No

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To

1. The Inspector of Police,
Kattumannarkoil Police Station,
Cuddalore District.
2. The Principal Sessions and District Judge,
Cuddalore.
3. The Public Prosecutor
High Court, Madras



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N.ANAND VENKATESH, J

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