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Crl.O.P.No.13792 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.06.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.13792 of 2023

A.Yuvaraj

..Petitioner

Vs.

The State Represented by,
The Inspector of Police,
R-7, K.K Nagar Police Station,
K.K.Nagar,
Chennai – 600 083.

...Respondent

PRAYER: This Criminal Original Petition is filed under Section 482 of Cr.P.C to register a case in compliance with the order passed by the learned XXIII Metropolitan Magistrate saidapet, Chennai in Crl.M.P.No.11036 of 2022 dated 29.08.2022.

For Petitioner : Mr.M.A.Mathew Berchmans

ORDER

This Criminal Original Petition has been filed to register a case in compliance with the order passed by the learned XXIII Metropolitan Magistrate saidapet, Chennai in Crl.M.P.No.11036 of 2022 dated 29.08.2022.



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2. The learned counsel for the petitioner submitted that, on the basis of the complaint filed under Section 156(3) of Cr.P.C, the learned XXIII Metropolitan Magistrate, Saidapet, Chennai ordered registration of FIR, however, so far no FIR is registered. Therefore, present petition is filed.

3. In response, learned Government Advocate (Crl. Side) submitted that, as directed by the learned Metropolitan Magistrate, Saidapet, Chennai, enquiry was conducted and report was also filed stating that, petition enquiry was closed as “Mistake of Fact”.

4. The perusal of the learned Metropolitan Magistrate, Saidapet, Chennai in Crl.M.P.No.11036 of 2022, this Court finds that, there is no specific direction for registration of FIR. The learned Magistrate just directed the respondent to conduct investigation.

5. Therefore, this Court is of the view that, if negative enquiry report is filed, petitioner has to approach learned Metropolitan Magistrate, Saidapet, Chennai for appropriate order. It is made clear that, if the Magistrate comes to a conclusion that, commission of cognizable offence is made out, specific direction should be given in the order for registration of FIR.



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6. This Criminal Original Petition is disposed of giving liberty to the petitioner to approach the learned XXIII Metropolitan Magistrate, Saidapet, Chennai for appropriate order.

26.06.2023

Index : Yes / No

Internet : Yes / No

Sma

To
XXIII Metropolitan Magistrate, Saidapet, Chennai

G.CHANDRASEKHARAN,J.



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