



Crl.O.P.No.22134 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.22134 of 2023

R.S.Mangaiyarkarasi

... Petitioner

Vs.

1.The Inspector of Police,
Tharamangalam
Salem.

2.Gautam Rajendran

3.Chandrasekharan

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to direct the Judicial Magistrate, Omalur for the speedy disposal of Crl.M.P.No.200 of 2022.

For Petitioner : Mr.C.Gunasekaran

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

ORDER

This Criminal Original Petition is filed under Section 482 Cr.P.C., by the private complainant for the following prayer:



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2. From the record, it appears that the petitioner herein has approached the learned Judicial Magistrate-I, Omalur, by filing a petition under Section 156(3) and 200 of Cr.P.C., alleging demand of exorbitant interest by the accused person. The Magistrate, while directing the respondent police to enquire about the truth of the allegations and file report within a period of three weeks, has also considered the request to take up the complaint and enquire under Section 200 Cr.P.C. The order dated 10.03.2022 directed the respondent police to complete the enquiry and file report, till date, not complied. Whereas, the Magistrate has simultaneously proceeded with the prayer to try the case as private complaint case under Section 200 Cr.P.C. Unfortunately from 03.02.2023 in spite of several hearings, the petitioner has not appeared, but filed petition under Section 256 Cr.P.C., and got extension for personal appearance.

3. The Magistrate aware of the fact that his order dated 10.03.2022 directing the respondent police to enquire and file report also not been complied and direct the respondent police file its report by 11.10.2023. At this juncture the petitioner has moved this Court under Section 482 Cr.P.C., with an identical prayer made in Crl.M.P.No.200 of 2022, which is



now been seized of by the Judicial Magistrate, Omalur and pending.

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4. This Court does not find any reason to entertain this petition when the relief sought is already been under active consideration of the Judicial Magistrate, Omalur. Therefore, this Criminal Original Petition is disposed of with a direction to the respondent police to file their report within 15 days from today and on appearance of the petitioner/complainant, the Judicial Magistrate shall proceed in accordance with law.

19.10.2023

Index : Yes/No

Neutral Citation : Yes/No

rpl

To

1.The Judicial Magistrate, Omalur.

2.The Inspector of Police,
Tharamangalam
Salem.

3.The Public Prosecutor,
High Court of Madras, Chennai.



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Dr.G.JAYACHANDRAN,J.

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