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Crl.O.P.No.25608 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.11.2023

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.25608 of 2023

B.Renugadevi

... Petitioner

Vs

1.The Deputy Commissioner of Police,
Redhills District,
Chennai-600 051.

2.The Assistant Commissioner of Police,
Ambattur ACP Range, Ambattur,
Chennai-6000 053.

3.The Inspector of Police,
T-3, Korattur Police Station,
Korattur, Chennai-600 008.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to direct the respondent to register the complaint in view of the order dated 07.10.2022 in C.M.P.No.3295 of 2022 on the file of the Judicial Magistrate, Ambattur, Chennai.

For Petitioner : Mr.G.R.Hari

For Respondents : Mr.S.Udaya Kumar
Government Advocate (Criminal Side)



ORDER

The petitioner herein has approached the Judicial Magistrate to direct the respondent police to register the complaint and investigate.

2. The said petition was filed under Section 156(3) Cr.P.C., and the same was heard by the learned Judicial Magistrate and on perusing the allegations made in the petition had directed the Station House Officer to conduct enquiry and file a detailed report. The Judicial Magistrate has also further observed that if cognizable offence is made out, the SHO shall register the FIR and act in accordance with law. The SHO is further directed to follow the dictum laid down by the Hon'ble Supreme Court in “*Lalithakumari Vs. State*” and “*Arnesh Kumar Vs. State*”

3. The respondent police on receipt of the said direction passed by the Judicial Magistrate in C.M.P.No.3295 of 2022 dated 07.10.2022 conducted enquiry. In the course of enquiry, it has been brought to the notice of the respondent that he was working under the petitioner as a staff and in the year 2022, the petitioner herein agreed to sell the shop to him for the consideration of Rs.14,00,000/- and has received Rs.4,60,000/-.



Thereafter, she refused to transfer the GST in his name and hence he has filed a suit before the Judicial Magistrate Court, Ambattur in O.S.No.188 of 2022 and same is pending.

4. In view of the nature of the dispute, the Investigating Officer has opined that on enquiring both sides it appears predominantly to be a civil dispute and already civil suit is pending. Therefore, there is no offence cognizable to proceed further. The report been submitted to the Judicial Magistrate, Ambattur on 08.09.2023. While fact being so, the present petition is filed to direct the respondent to register the complaint in view of the order passed by the Judicial Magistrate, Ambattur in C.M.P.No.3245 of 2022 dated 07.10.2022.

5. The learned Government Advocate (Crl.Side) appearing for the State submits that the petition is a malicious application for the reasons that the 1st respondent police has already complied the direction of the Judicial Magistrate, Ambattur passed in order dated 07.10.2023 and has filed his report on 08.09.2023. Secondly for the very same relief, the petitioner has approached this Court by way of filing Criminal Original Petition No.18996



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of 2022 and withdrew the same with liberty to file a fresh petition challenging the order passed by the Judicial Magistrate, Ambattur in C.M.P.No.3295 of 2022 dated 07.10.2022. The liberty was granted to challenge the said order.

6. This Court on perusing the records finds that the petitioner has wrongly knocked the door of this Court instead of filing protest petition and seek the Magistrate indulgence before whom he filed Section 156 (3) Cr.P.C., petition and to proceed with his complaint as contemplated under the Code dehors of the closure report filed by the respondent police. This Court finds no merit in this Criminal Original Petition and the same is dismissed.

09.11.2023

Index : Yes/No
Neutral Citation : Yes/No
rpl

To

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Chennai-600 051.

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2.The Assistant Commissioner of Police,
Ambattur ACP Range, Ambattur,
Chennai-6000 053.

3.The Inspector of Police,
T-3, Korattur Police Station,
Korattur, Chennai-600 008.

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



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Dr.G.JAYACHANDRAN, J.

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