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Crl.O.P.No.10528 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.No.10528 of 2024

Kathirvel

... Petitioner

Vs.

State Rep.by
The Inspector of Police,
Villupuram Town Police Station,
Villupuram

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to direct the learned Judicial Magistrate No.1, Villupuram to take the case on file in Crl.M.P.Sr.No.12525 of 2023 dated 02.12.2023.

For Petitioner : Mr.V.Murugesan

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

ORDER

The petitioner herein been aggrieved that his complaint not been properly investigated had approached this Court earlier by filing a petition under Section 482 of Cr.P.C. In the said petition, this Court vide



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order dated 08.06.2022 has directed the 1st respondent to conduct enquiry within a period of two weeks and if any cognizable offence is made out, register the FIR and investigate. Since there is no action further to the direction of this Court, the petitioner has approached the Judicial Magistrate No.1, Villupuram by filing a complaint under Section 156(3) Cr.P.C., the same was returned by the learned Judicial Magistrate stating that if the order of the High Court dated 08.06.2022 is not complied within the time stipulated, the complainant has to approach the High Court but not fresh complaint under Section 156(3) Cr.P.C.

2. In view of the above facts that being aggrieved by the refusal to entertain the petition under Section 156(3) Cr.P.C., the present Criminal Original petition is filed seeking direction to the Judicial Magistrate No.1, Villupuram to take the complaint on file.

3. This Court on perusing the record found that while there is a specific direction by the High Court to the 1st respondent to conduct enquiry on the complaint registered in C.S.R.No.7 of 2020 and to proceed if any cognizable offence is made out, but the 1st respondent has not complied the said direction.



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4. The learned Government Advocate (Crl.Side) appearing for the respondent police states that after the order of this Court dated 08.06.2022, the complainant and the accused persons were summoned to appear on 11.08.2023. When the accused persons Parameshwari and her husband Loganathan appear for enquiry, the complainant failed to turn up and therefore, the 1st respondent unable to proceed further.

5. The explanation and reasoning given on behalf of the 1st respondent though not convincing to give quietus to the issue, this Court directs the 1st respondent to complete the investigation and to conduct enquiry as per the direction of this Court dated 08.06.2022 and report to the concern Magistrate within a period of 30 days from today. Based on the report the complainant/petitioner herein shall take further recourse in accordance with law.

6. With the above directions, this Criminal Original Petition is disposed of.

05.06.2024

Index : Yes/No

Neutral Citation : Yes/No

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Dr.G.JAYACHANDRAN,J.

rpl

To

1.The Judicial Magistrate No.1, Villupuram

2.The Inspector of Police,
Villupuram Town Police Station,
Villupuram.

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

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