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CrI.O.P.No.13741 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2024

CORAM

THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

CrI.O.P.No.13741 of 2024

K.Baskar

... Petitioner

Vs.

The State rep.by
The Inspector of Police,
Thirunindravur Police Station,
Thirunindravur-602 024

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to direct the respondent to register the FIR in view of the order dated 22.01.2024 on the file of CMP.No.21223 of 2023, before the learned Judicial Magistrate Court-II, Tiruvallur.

For Petitioner : Mr.T.Sivagnanasambandan

For Respondents : Mr.K.M.D.Muhilan
Government Advocate (CrI.Side)

ORDER

The petitioner, being aggrieved by the inaction of the respondent police despite direction of the Judicial Magistrate, Tiruvallur to conduct preliminary enquiry and report, is before this Court seeking direction.

2. The learned Government Advocate (CrI.Side) appearing for



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the respondent police, on instructions, submits that even before the order passed by the Judicial Magistrate, Tiruvallur on 22.01.2024, the Assistant Commissioner of Police had conducted enquiry on the complaint given by the petitioner and complaint closed. A closure report dated 27.11.2023 duly served on the complainant on 14.12.2023.

3. On perusing the record, this Court finds that the complaint of the petitioner is dated 25.11.2023. The counter complaint also been given on the same day by one Viswanthan. Both the matters appears to have been enquired on 27.11.2023 i.e., two days after and closed by the Assistant Commissioner of Police. Whereas, the petitioner herein has categorically stated that the preliminary enquiry not been conducted and there is no action on the part of the respondent police.

3. Taking into consideration of the complaint, the Judicial Magistrate has given direction to the respondent police to conduct preliminary enquiry and report to the Court within a period of 4 weeks from the date of receipt of a copy of the order. When there is a specific direction to the Investigating Officer, the respondent police has failed to comply the directional order. Therefore, this Court is of the view that



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there is a lapse on the part of the Investigating Officer in complying the order of the Judicial Magistrate dated 22.01.2024. It is therefore, directed that the 3rd respondent shall conduct fair enquiry on the complaint received and proceed in accordance with law and report shall be filed before the Judicial Magistrate No.II, Tiruvallur within a period of 4 weeks from today. Copy of the report shall also be furnished to the petitioner herein. The said enquiry shall be supervised by the the Commissioner of Police.

4. With this direction, this Criminal Original Petition is disposed of.

13.06.2024

Index : Yes/No

Neutral Citation : Yes/No

rpl

To

1.The Commissioner of Police,
Avadi City, Avadi.

Dr.G.JAYACHANDRAN,J.

rpl

2.The Inspector of Police,



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Thirunindravur Police Station,
Thirunindravur-602 024

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

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