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Crl.O.P.Nos.11687 & 13429 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

Crl.O.P.Nos.11687 & 13429 of 2024
& Crl.M.P.No.7703 of 2024

Crl.O.P.No.11687 of 2024

Parvathy Nair.

... Petitioner

/versus/

1. State of Tamil Nadu,
Rep. By Inspector of Police,
E-3, Teynampet Police Station,
Teynampet, Chennai – 600 018.

2. Subash Chandra Bose.

... 2nd Respondent/Defacto complainant

3. Kotapadi Rajesh.

4. Elangovan.

5. Senthil

6. Arun Murugan.

7. Ajith Baskar.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to set aside the order dated 19.03.2024 in Crl.M.P.No.4773 of 2024 pending on the file of XVIII Metropolitan Magistrate, Saidapet, Chennai.

For Petitioner : Mr.L.Murali Krishnan

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

For R2 : Mr.Percivul Pericles

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Crl.O.P.Nos.11687 & 13429 of 2024

Subash Chandra Bose.

... Petitioner

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/versus/

1. State of Tamil Nadu,
Represented by its,
Inspector of Police,
E-3, Teynampet Police Station,
Teynampet, Chennai – 600 018.

... Respondent/Complainant

2. Parvathy Nair.
3. Kotapadi J.Rajesh.
4. Elangovan.
5. Senthil.
6. Arun Murugan.
7. Ajith Baskar.

... Proposed Accused

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to comply with the order dated 19.03.2024 in Crl.M.P.No.4773 of 2024 pending on the file of XVIII Metropolitan Magistrate, Saidapet, Chennai.

For Petitioner : Mr.Percivul Pericles

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

For R2 : Mr.L.Murali Krishnan

COMMON ORDER

The complaint given to the Judicial Magistrate under Section 156 (iii) of Cr.P.C was forwarded by the Judicial Magistrate for registering F.I.R and investigate the matter and file final report in accordance with law. This



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order been challenged in Crl.O.P.No.11687 of 2024 by one Parvathy Nair. This Court, at the time of admission has granted stay.

2. Subash Chandra Bose, who is the complainant is before this Court seeking direction of this Court to direct the 1st respondent to register the complaint as per the order passed by the XVIII Metropolitan Magistrate, Saidapet, Chennai.

3. This Court on perusing the record find that based on the affidavit given by Subash Chandra Bose, the Learned XVIII Metropolitan Magistrate has applied his mind and directed the respondent police to register the case and investigate. While so, the said Parvathy Nair is before this Court stating that there is no case made out. Whereas, the complainant Subash Chandra Bose seeks for direction from this Court for the police to register the complaint as per the direction of the Magistrate.

4. Though, the learned Counsel appearing on either side seeks further time, this Court finds that this matter been pending for long time. On the one pretext or another, the parties have been taking adjournment but not ready to conduct the case. At one stage, the parties have reported to this Court that



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they have engaged in Mediation to settle the dispute amicably and sought time.

However, today, the Learned Junior Counsel seeks time to conduct the case.

5. This Court is not inclined to grant any further time. Hence, this Court is of the view that enough time has been granted to the petitioners herein to work out their remedy amicably, but they have failed to do it. When there is specific order by the Learned Magistrate to register the complaint and investigate, the said prosecution has to be completed in accordance with law.

6. Therefore, both the Criminal Original Petitions are disposed of with a direction to the respondent police to register the complaint forthwith and proceed with the investigation. If the parties are inclined to settle the dispute, it is always open to them to report before the Investigating Officer about their intention and get the matter settled. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes/No.
Neutral Citation : Yes/No.
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To:-

1. The XVIII Metropolitan Magistrate, Saidapet, Chennai.

2. The Inspector of Police, E-3, Teynampet Police Station,
Teynampet, Chennai – 600 018.

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

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Dr.G.JAYACHANDRAN, J.

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