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Crl.O.P.No.13453 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2024

CORAM

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

Crl.O.P.No.13453 of 2024

N.Periyasamy. ... Petitioner/Complainant
Vs.

1. D.Vijayakumar.
2. M.Thomas Pandian.
3. M.Ganesh Subramanian.

4. The Inspector of Police,
District Crime Branch,
District Superintendent of Police Office,
Namakkal. ... Respondents/Accused

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to direct the respondents fourth respondent to comply the order in Crl.M.P.No.99 of 2024 dated 05.04.2024 on the file of Judicial Magistrate, Tiruchengode in accordance with law.

For Petitioners : Mr.R.Sankarasubbu
For R4 : Mr.K.M.D.Muhilan,
Government Advocate (Crl.Side)

ORDER

The petitioner herein is the complainant before the District Crime



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Branch, Namakkal. Since his grievance has not been properly taken consideration for investigation, he has approached the Judicial Magistrate, Tiruchengode under Section 156(3) of Cr.P.C., to conduct the enquiry on his complaint dated 11.01.2024 and proceed.

2. The learned Judicial Magistrate after considering the facts has passed the below order:-

“Therefore, on considering the enormous delay in lodging complaint by the defacto complainant before this Court, on considering the fact that money transaction involved in this case, this Court feels preliminary enquiry essential on this case concerned before registering FIR. Therefore, the Station House Officer, District Crime Branch, Namakkal is hereby directed to conduct a preliminary inquiry to ascertain as to whether the information furnished in the complaint reveals any cognizable offence. The preliminary enquiry should be completed within the period of six weeks from the date of receipt of this order as per the dictum laid down by the Hon'ble Supreme Court in



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Lalithakumari case. And upon making such preliminary enquiry, if cognizable offence is disclosed in the result of such preliminary enquiry, the Investigation Officer is directed to proceed in accordance with the chapter XII of Criminal Procedure Code, 1973 and file the final report within the time limited by the law.”

3. Now the petitioner is before this Court stating that inspite of specific direction by the Judicial Magistrate to conduct preliminary enquiry and complete it within a period of six weeks from the receipt of the order, the respondent police has not conducted the preliminary enquiry. It is alleged that no enquiry so far conducted in compliance with the direction of the Judicial Magistrate vide order dated 05.04.2024.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police states that it is incorrect to say that no enquiry has been conducted. Enquiry is commenced, but due to the enormous records relating to the alleged money transaction and one of the accused been hospitalized and yet another accused is confined in Bombay prison, the



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preliminary enquiry could not be completed within the time fixed by the Judicial Magistrate and therefore, the petition been presented before the Judicial Magistrate seeking extension of time by two months.

5. Considering the submissions and the records, this Court is of the view that since the time to complete the enquiry has fixed by the judicial order passed by the Judicial Magistrate, Tiruchengode and an application for extension of time is also pending before him, it may not be appropriate for the higher Court to interfere in the matter. The petitioner herein shall appear before the Judicial Magistrate, Tiruchengode and intervene for necessary clarification regarding the petition now filed by the Investigating Officer before the Judicial Magistrate, Tiruchengode.

6. With this observation, this Criminal Original Petition is disposed of.

11.06.2024

Index : Yes/No

Neutral Citation : Yes/No

rpl

To

1. The Judicial Magistrate, Tiruchengode

2. The Inspector of Police,



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District Crime Branch,
District Superintendent of Police Office,
Namakkal.

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



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Dr.G.JAYACHANDRAN,J.

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