



Crl.O.P.(MD)No.3100 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Crl.O.P.(MD)No.3100 of 2023

Murugammal

... Petitioner

vs.

1.State Represented by
The Superintendent of Police,
Office of the Superintendent of Police,
Thoothukudi

2.The Inspector of Police,
Kadambur Police Station,
Kadambur,
Thoothukudi District

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 2nd respondent to file First Information Report on the complaint filed by the petitioner, dated 18.02.2022 and 10.03.2022, in C.S.R.No.74 of 2022 is pending before the 2nd respondent police based on the direction in Crl.M.P.No.2640 of 2022 filed under Section 156(3) of Code of Criminal Procedure on the file of the learned Judicial Magistrate No.II, Kovilpatti, Thoothukudi District.

For Petitioner : Mr.S.Sukumar

For R1 & R2 : Ms.M.Aasha
Government Advocate (Criminal Side)



Crl.O.P.(MD)No.3100 of 2023

WEB COPY

ORDER

The present Criminal Original Petition has been filed to direct the 2nd respondent to file First Information Report on the complaint filed by the petitioner dated 18.02.2022 and 10.03.2022.

2. It is seen that the petitioner had already approached the learned Judicial Magistrate No.II, Kovilpatti vide Crl.M.P.No.2640 of 2022, and by an order, dated 11.04.2022, the learned Judicial Magistrate had passed the following order :

“ 5. As per petitioner she made complaint to respondent police. Hence this Court, as per the direction of Hon’ble High Court in G.Prabhakaran Vs. Superintendent of Police, Thanjavur orders that the respondent police should made preliminary inquiry within the time mentioned for the complaint given by the petitioner and if cognizable case made out then register F.I.R and proceed as per law with this Cr.M.P is closed. ”

3. It is now stated by the respondent police that pursuant to the order of the learned Judicial Magistrate, they conducted an inquiry, and in the said preliminary inquiry, no offense was made out.



Crl.O.P.(MD)No.3100 of 2023

WEB COPY

4. It is the further contention of the learned Government Advocate (Crl. Side) that when the RCS notice was tried to be served on the petitioner, the petitioner did not receive it and therefore, the cover was returned.

5. Be that as it may, it is seen that till date the RCS notice is not served on the petitioner, and today, in the open Court, the cover is opened and a copy of the final report is handed over to the learned counsel for the petitioner. Therefore, if the petitioner is so aggrieved of closure of the complaint, it will be open for the petitioner to take such further steps as may be permissible by law holding that the RCS notice is not served on the de-facto complainant.

6. With such liberty reserved to the petitioner, this Criminal Original Petition stands disposed of.

29.10.2024

NCC : Yes / No
mkn



Crl.O.P.(MD)No.3100 of 2023

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- 1.The Judicial Magistrate No.II,
Kovilpatti, Thoothukudi District
2. The Superintendent of Police,
Office of the Superintendent of Police,
Thoothukudi
- 3.The Inspector of Police,
Kadambur Police Station,
Kadambur,
Thoothukudi District
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai



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Crl.O.P.(MD)No.3100 of 2023

D.BHARATHA CHAKRAVARTHY, J.

mkn

Crl.O.P.(MD)No.3100 of 2023

29.10.2024