



Crl.O.P.(MD) No.9681 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.9681 of 2024

S.Regunath

... Petitioner

Vs

**1. The Commissioner of Police,
Madurai City,
Madurai.**

**2. The Inspector of Police,
SS Colony Police Station,
Madurai.
Crime No.1229/2019.**

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the second respondent police to file final report in FIR in Crime No.1229 of 2019 within a stipulated by this Court.

For Petitioner : Mr.Gururaj.M,

**For Respondents : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)**



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ORDER

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This criminal original petition has been filed seeking a direction to the second respondent police to file the final report in Crime No.1229 of 2019.

2.The learned Counsel appearing for the petitioner submits that it is a case of the year 2019, for which, till now, the respondent police has not filed any final report.

3.The learned Government Advocate (Crl.Side) submits that the nature of the complaint is of money dispute. However, the respondent police has registered the case based on the directions of the learned Judicial Magistrate No.V, Madurai. He further submits that even two days before, the accused and the petitioner have appeared before the respondent Police and stated that they would amicably resolve their issue.

4.This Court has considered the rival submissions made.



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5.The respondent police is not a collection agent. The respondent police is not expected to register a case mechanically merely it has been referred by a Judicial Magistrate. The respondent police, before registering a case, has to verify whether the complaint constitutes a cognizable offence. In the event if the complaint has not made out any cognizable offence, they can very well submit a report before the concerned Judicial Magistrate that the matter is of money dispute or civil dispute, therefore, they cannot register a case in the absence of any cognizable offence.

6.In this case it appears that the respondent police have registered the case in the year 2019. Since it was referred by the Judicial Magistrate No.V, Madurai, the respondent police have registered the case and conducting investigation. The learned Judicial Magistrates are having certain responsibilities to ascertain whether any cognizable offence has been made in the complaint filed under Section 156(3) Cr.P.C. The Courts are also not a postman to simply forward an application filed to the police officers for conducting an investigation. The respondent police is not supposed to keep the matter pending for years together.



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7. Therefore, the respondent police is directed to conclude the investigation in Crime No.1229 of 2019, in either way, within a period of four weeks, from the date of receipt of a copy of this order.

8. With the above direction, this criminal original petition is disposed of.

01.08.2024

NCC : Yes/No
Internet: Yes/No
Index: Yes/No
LR

To
1. The Commissioner of Police,
Madurai City,
Madurai.

2. The Inspector of Police,
Ss Colony Police Station,
Madurai.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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B.PUGALENDHI, J.

LR

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