



Crl.O.P.(MD) No.12492 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL.O.P (MD) No.12492 of 2024

S.Gomathinayagam

... Petitioner

Vs

**1. The Commissioner of Police,
O/o the Commissioner of Police,
Tirunelveli District.**

**2. The Inspector of Police,
City Crime Branch,
Tirunelveli District.**

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the second respondent comply the order in Cr.M.P No. 3232 of 2024 dated 15.02.2024 passed by the learned Judicial Magistrate No.I, Tirunelveli and to register the case based on the complaint dated 10.12.2023 within time stipulated by this court.

For Petitioner : Mr.I.Pinaygash,

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



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ORDER

This criminal original petition has been filed seeking a direction to the second respondent, to comply with the order passed in Cr.M.P No.3232 of 2024, dated 15.02.2024, by the learned Judicial Magistrate No.I, Tirunelveli.

2.The learned Counsel appearing for the petitioner submits on the complaint of the petitioner, the respondent police has not registered a case. Therefore he was constrained to move before the trial Court and file the complaint under Section 156(3) Cr.P.C. The learned Judicial Magistrate No.I, Tirunelveli, has also passed the order in Cr.M.P.No.3232 of 2024, dated 15.02.2024, directing the respondent police to register the petitioner's complaint. Even thereafter, the case has not been registered.

3.The learned Government Advocate (Crl.Side) appearing for the respondent police submits that the respondent police are seeking certain documents to find out the nature of offence and therefore, they have not



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registered a case.

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4.This Court has considered the rival submissions made.

5.The nature of the complaint lodged by the petitioner is that of impersonation and registration of a fraudulent document. With this complaint, the petitioner has approached the learned Judicial Magistrate No.I, Tirunelveli, in the month of February, 2024 and the same was forwarded under Section 156(3) Cr.P.C to the respondent police. The respondent police is not conducting any enquiry on the complaint, which has been forwarded by the learned Judicial Magistrate No.I, Tirunelveli, on the premise that they are seeking for certain documents. In the event if the complaint does not disclose any cognizable offence, they can file a report expressing their inability of registering a case. The respondent police is not supposed to keep the complaint pending without any progress even after the direction of the learned Judicial Magistrate No.I, Tirunelveli.

6.Therefore, this Court directs the Commissioner of Police, Tirunelveli city, to look into the issue, withdraw the complaint, which is



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pending on the file of the respondent police, entrust the same with some other sincere officer and ensure that action has been taken in accordance with law, on the complaint forwarded by the learned Judicial Magistrate No.I, Tirunelveli in Cr.M.P.No.3232 of 2024 dated 15.02.2024. The Commissioner of Police, Tirunelveli city, is also expected to find out the reasons for not initiating any actions by the present officer on the complaint forwarded by the learned Judicial Magistrate No.I, Tirunelveli.

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

02.08.2024

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



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To

1. The Commissioner of Police,
O/o the Commissioner of Police,
Tirunelveli District.

2. The Inspector of Police,
City Crime Branch,
Tirunelveli District.

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



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B.PUGALENDHI, J.

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