



Crl.O.P.(MD)No.17942 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.17942 of 2024

K.Ramachandran

... Petitioner

Vs.

The Inspector of Police,
District Crime Branch-II, Nagercoil,
Kanyakumari District.

... Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the respondent to register the petitioner's complaint as an FIR on the basis of the direction given by the learned Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District, vide its order dated 06.07.2024 in Crl.M.P.No.7641 of 2024.

For Petitioner : Mr.R.Russel Raj

For Respondent : Mr.K.Sanjai Gandhi,
Government Advocate (Crl. Side)



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ORDER

This criminal original petition has been filed seeking orders to direct the respondent to register the petitioner's complaint as an FIR on the basis of the direction given by the learned Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District, vide its order dated 06.07.2024 in CrI.M.P.No.7641 of 2024.

2.It is seen from the records that the learned Magistrate, in a petition filed under Section 156(3) Cr.P.C., has passed an order dated 06.07.2024, directing the Station House Officer, District Crime Branch, to enquire the complaint, if it is a fit case, proceed in accordance with law and a report should be filed as early as possible.

3.The learned counsel appearing for the petitioner would submit that in pursuance of this directions, the respondent police is duty bound to register FIR.



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4.However, this Court is not in agreement with the above said contention, since there is no specific direction to register FIR and the learned Magistrate directed the respondent only to conduct enquiry. In pursuance of the directions issued by the learned Magistrate, the respondent conducted enquiry and submitted a report before the learned Magistrate.

5.Recording the above, this criminal original petition is disposed of. The petitioner is at liberty to file a private complaint, if so advised.

19.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Judicial Magistrate No.II,
Kuzhithurai, Kanyakumari District.
- 2.The Inspector of Police,
District Crime Branch-II, Nagercoil,
Kanyakumari District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

K.MURALI SHANKAR,J.



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