

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.OP No.13185 of 2015

Thirumurthy

...Petitioner

Vs

1.The Superintendent of Police,
Cuddalore District,
Cuddalore.

2.The Deputy Superintendent of Police,
Thittagudi Taluk,
Cuddalore District.

3.Rajaram,
The Inspector of Police,
Ramanatham Police Station,
Cuddalore District.

...Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the second respondent police to register the complaint of the petitioner dated 23.04.2015 and investigate the same in accordance with law.

For Petitioner : Mr.M.Velmurugan

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

Seeking a direction to the second respondent Police to register the case on the complaint of the petitioner dated 23.04.2015 and investigate the same, the petitioner has come up with this petition.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3.

3.It is seen that the petitioner lodged a complaint dated 31.03.2015 and since no action was taken, the petitioner has approached this Court by filing Crl.OP No.8957 of 2015, in which this Court passed the following order on 09.04.2015.

"The respondents Police shall conduct an enquiry and complete the same and either register a case or drop action expeditiously."

4.It is the grievance of the petitioner that despite the order of this court, the Inspector of Police has not taken action on his complaint. Therefore, the petitioner has given the present complaint on 23.04.2015 to the Judicial Magistrate, Thittagudi for taking action against the Inspector of Police under Section 4 of SC & ST (P&A Act) for his negligence in not taking action on the earlier complaint dated 31.03.2015.

5.In the considered opinion of this Court, negligence is a question of fact which has to be first determined and only thereafter a case could be registered. In the absence of determination of negligence, a case cannot be registered for a cognizable offence under Section 154 of Cr. P.C.

6.Under such circumstances this petition is devoid of merits and it is closed with liberty to the petitioner to work out his remedies in the manner known to law.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Superintendent of Police,
Cuddalore District,
Cuddalore.

2.The Deputy Superintendent of Police,
Thittagudi Taluk,
Cuddalore District.

3.Rajaram,
The Inspector of Police,
Ramanatham Police Station,
Cuddalore District.

4.The Public Prosecutor,
High Court, Madras.

1 CC to Mr.M.Velmurugan, Advocate SR.No. 26118

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KK (CO)
PSI (12.06.2015)



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