IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 08.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.13631 of 2015

P.Kalimuthu ... Petitioner

Vs

1.The State,
Rep by the Superintendent of Police,
O/o. The Superintendent of Police,
Coimbatore District,
Coimbatore.

2.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
Pollachi. .. Respondents

Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the respondent Police to register the complaint dated 20.04.2015 as one to be investigated under Sections 217 and 218 IPC and investigate the same.

For Petitioner : Mr.Tamizh Law Firm

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

O R D E R

This Criminal Original Petition has been filed praying for a direction to the respondent Police to register the complaint of the petitioner dated 20.04.2015 and investigate the same.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents and perused the material placed on record.

3.It is the case of the petitioner that he was abducted and assaulted by the accused. Based on the complaint given by the petitioner dated 20.04.2015, the Sub Inspector of Police has registered a case in Crime No.2 of 2013 for offences under Sections 147, 148, 365, 342, 323, 387 and 506(ii) IPC and the investigation was taken up. It was represented that the Sub Inspector of Police went on leave and thereafter, the Inspector of Police took up the case for investigation and filed the final report leaving out Sections 387, 365 and 342 IPC against the accused. Therefore, the petitioner wants an FIR registered against the Inspector of Police

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and the Doctor, who has given the Wound Certificate. The case of the petitioner is that the date i.e.,31.12.2012 given in the Wound Certificate is a deliberate entry that has been made by the Doctor in collusion with the Inspector of Police. This Court perused the Wound Certificate and found that the Doctor has mentioned the date as 31.12.2012 in the preamble portion of the Wound Certificate, but, he has issued the said Certificate on 11.12.2013. Therefore, the date of mentioning as 31.12.2013 must be on account of inadvertence and not a deliberate act. That apart, if the petitioner/defacto complainant has any grievance, it is open to them to file a protest application before the learned Magistrate and the learned Magistrate has enough powers to pass appropriate orders on the protest application in accordance with law, as laid down by the Hon'ble Supreme Court in Vinay Tayagi V. Irshad Ali Alias Deepak and others reported in 2013(5) SCC 762.

4.On an such frivolous allegations, if FIR is registered against Government Doctor and Inspector of Police, it will affect the administration of Criminal justice. The officials are protected against prosecution while discharging their official duties both under the Police Act as well under the Code of Criminal Procedure. Hence, this petition is dismissed with liberty to the petitioner to work out his remedies in the manner as aforesaid.

-sd/-
Assistant Registrar

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Sub-Assistant Registrar

mps

To

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

2.The Deputy Superintendent of Police,
   O/o.The Deputy Superintendent of Police,
   Pollachi.

3.The Public Prosecutor,
   High Court, Madras.

+1 CC to MR.Tamizh Law Firm, Advocate SR.NO. 27733

Crl.O.P.No.13631 of 2015

VD(CO)
PKS 01/07/2015

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