

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 26.06.2015

Delivered on : 01.07.2015

CORAM
THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.15494 of 2015

Dhanapal .. Petitioner

Vs

1.State Rep. by
The Deputy Superintendent of Police,
Mahabalipuram,
Kancheepuram District.

2. State rep.by
The Inspector of Police,
E-9, Thazhambur Police Station,
Thazhambur, Kancheepuram District.

..
Respondents

Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondent police to register a case based on the complaint dated 17.06.2015 given by the petitioner and investigate the same in accordance with law.

For Petitioner : Mr.G.Mohanakrishnan
For Respondents : Mr.C. Emalias, Addl. Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the respondent police to register a case based on the complaint dated 17.06.2015 given by the petitioner and investigate the same in accordance with law.

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

3. When the matter was taken up for hearing, the learned Additional Public Prosecutor submits that, on a complaint given by one Mariappan, police have registered a case in Crime No.236 of 2015 on 18.06.2015 for offences under Section 294[b], 323, 324, 506[ii] IPC against Sudhakar, Chandran and Sekar.

4. Learned counsel for the petitioner submits that the petitioner is aware of it and that, he has also filed a copy of the FIR in Crime No.236 of 2015 in the typed set of papers. But his grievance is that, Crime No.236 of 2015 relates to the attack on Mariappan, which has no connection with the grievance of the petitioner in his complaint dated 17.06.2015. According to the learned counsel for the petitioner, there was a funeral procession on 18.06.2015 in which, Mariappan was attacked by the accused and only for that occurrence, Crime No.236 of 2015 was registered.

5. This Court carefully perused the records produced by the petitioner and found that this petitioner was admitted in Chettinad Hospital on 17.06.2015 with serious head injuries. At the time of admission, he seems to

have stated that he was assaulted by known persons on 17.06.2015 around 5.00p.m. near Ponmaar. In connection with this incident, he states that he has sent a complaint dated 17.06.2015 to the police on which, the police had not taken any action and therefore, he has filed this petition for a direction to the police to take action on his complaint.

6. On a reading of the complaint in Crime No.236 of 2015 given by Mariappan, it is stated that one Settu had died on 18.06.2015 and in the funeral procession, some people were dancing which was objected to by Mariappan and he was assaulted by them. After the funeral, when he was returning home with Dhanapal [the petitioner herein], Sudhakar, Chandran and Sekar attacked both of them with iron rods and cause serious injuries to them.

7. It is further stated in the complaint that they were taken to Chettinad Hospital, where they were admitted as in-patient and on receiving information, when the police came to the hospital, Mariappan's statement was recorded at 16.30hrs on 18.06.2015 by the police and FIR was registered in Crime No.236 of 2015.

8. Learned counsel for the petitioner submits that the attack on Dhanapal was on 17.06.2015 and the attack on Mariappan was on 18.06.2015

and when both of them were admitted in the hospital, of course on two different dates, the police have chosen to record the statement from Mariappan as if Dhanapal was injured in the incident happened on 18.06.2015 when actually Dhanapal was attacked in the previous day. In support of this contention, learned counsel produced accident register and discharge summary which shows that Dhanapal was admitted on 17.06.2015. Thus, there seems to be a serious error in the prosecution version.

9. Under such circumstances, this Court directs the Deputy Superintendent of Police, Kancheepuram District, under whose jurisdiction, E9, Thazhambur Police Station falls, to make an enquiry into the allegations of Dhanapal that he was brutally assaulted on 17.06.2015 by one Sudhakar, Chandran, Sekar and John Chandru and if it is found to be true, a separate FIR be registered.

10. With the above direction, this Criminal Original Petition is closed.

01.07.2015

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Note :
*Registry is directed to mark a copy to
The Deputy Superintendent of Police,
Kancheepuram District
incharge of Thazhambur Police Station.*

To

- 1.The Deputy Superintendent of Police,
Mahabalipuram,
Kancheepuram District.
- 2.The Inspector of Police,
E-9, Thazhambur Police Station,
Thazhambur, Kancheepuram District.
- 3.The Public Prosecutor,
High Court, Madras.

P.N.PRAKASH, J.

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Pre-Delivery Order

in

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