

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.11.2015

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

Cr1.O.P.No.26926 of 2015

B.Kannan

.. Petitioner

..VS..

1. The Commissioner of Police
No.132, Commissioner Office Building
E.V.K.Sampath Road, Vepery
Chennai - 600 007

2. The Inspector of Police
H-5, Police Station
New Washermenpet
Chennai - 600 081

..Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.,
to direct the 2nd respondent to register a case based on the
complaint lodged by the petitioner dated 23.09.2015.

For Petitioner : Mr.L.Jagasundari Balamurugan

For Respondents : Mr.Emalias
Additional Public Prosecutor

सत्यमेव जयते

O R D E R

The present petition has been filed seeking a direction to
the second respondent to register a case based on the complaint
lodged by the petitioner dated 23.09.2015.

2. It is averred in the petition that on account of enmity
between the petitioner and the accused regarding civil dispute,
the accused attacked the petitioner and his wife on 18.09.2015.
Hence, the petitioner lodged a complaint on the very same day
requesting the 2nd respondent to take action against the accused.
It is further stated in the petition that on 22.09.2015, the

accused and his men trespassed into the petitioner's house and attacked him and his wife and also threatened the petitioner to withdraw the complaint by mentioning his official position, since he is working in Public Health Department in the Corporation of Chennai. Hence, the petitioner has once again given a complaint on 23.09.2015 to respondents 1 and 2 and since no action has been taken, the petitioner has come forward to file the present petition.

3. The learned Additional Public Prosecutor appearing for the respondents would submit that the alleged occurrence said to have been taken place on 22.09.2015, but, absolutely no document was produced to show that the petitioner had sustained injuries in the said occurrence and the petitioner has made allegations only in order to give a criminal colour to the civil dispute.

4. Considering the above said submissions, I am of the opinion that in the absence of any documentary evidence to prove that the petitioner and his wife have sustained injuries in the alleged occurrence, this Court cannot give any direction to the second respondent to register the complaint lodged by the petitioner.

Accordingly, the Criminal Original petition is dismissed.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

gpa

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3. The Public Prosecutor High Court, Madras
+1 cc to Mrs.Jagasundari Balamurugan Advocate sr.59634

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