

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2015

CORAM:

THE HON'BLE Mr.JUSTICE R.SUBBIAH

Crl.O.P.No.27004 of 2015
and
M.P.No.1 of 2015

S.Kandasamy

... Petitioner

Vs.

1. The Superintendent of Police,
O/o.The Superintendent of Police,
Sathuvacheri, Vellore 632 006
2. The Deputy Superintendent of Police,
District Crime Branch,
Vellore - 632 002.
3. The Director General of Police,
Radhakrishnan Road,
Mylapore, Chennai 600 004
4. The Assistant Commissioner of Police,
West Crime, Salem City,
Salem

(4th respondent is impleaded as per
the order of this Court dated 01.12.2015
made in M.P.No.1 of 2015 in
Crl.O.P.No.27004 of 2015)

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of
the Code of Criminal Procedure, praying to direct the first and
third respondents to consider petitioner complaint dated
11.05.2010 and reminder letter dated 29.06.2015 and take
appropriate action as known to law.

For Petitioner : Mr.S.Jayakumar

For Respondents : Mr.C.Emalias

Additional Public Prosecutor

ORDER

This petition is filed for a direction to the first and
third respondents to consider petitioner complaint dated
11.05.2010 and reminder letter dated 29.06.2015.

2. In the petition, it has been stated that the petitioner is residing along with his family at No.250/1, 92-C, Gudan Ashram Road, Alagapuram, Salem. The petitioner's son by name Ganeshkumar, who is a medical practitioner and his daughter is residing at Delhi. In order to establish a clinic for his son, the petitioner pledged his wife's gold jeweleries in Salem Co-operative Bank Ltd, Alagapuram Branch, Salem and availed a loan of Rs.98,000/- and Rs.3,50,000/-, totalling to Rs.4,48,000/-. He has kept the said Rs.4,48,000/- in cash inside the safe locker at his residence along with 11 sovereigns of gold ornaments consisting of 7 gold rings and a pair of ear rings. The said loan amount of Rs.4,48,000/- was retained by the petitioner in order to utilize the same towards establishment of a clinic for his son.

3. On 07.05.2010, at 5.30 a.m, the Deputy Superintendent of Police, District Crime Branch, Vellore, namely, Rameshwari along with seven police constables forcefully taken the petitioner from his house in a police van to a forest guest house situated at Hasthampatti, Salem. In the said Guest house an unknown person by name Jaishankar was brought in and shown to the petitioner. The Deputy Superintendent of Police alleged that the petitioner has received a sum of Rs.6,00,000/- from the said Jaishankar and he was criminally intimidated by the said Deputy Superintendent of Police, Rameshwari to return the above said sum. When the petitioner refuted the allegation, he was forced by the Deputy Superintendent of Police, Rameshwari to append his signature in few empty papers and the petitioner was assaulted by seven police constables. Further, the petitioner was taken in a police van to his residence at Alagapuram and his house was broke opened by the Deputy Superintendent of Police, Rameshwari and he was prevented from entering into his house. The Safety locker was also broken and Rs.4,48,000/- in cash along with title deeds of immovable properties and 11 sovereigns of gold jeweleries were taken by the Deputy Superintendent of Police, Rameshwari. All the above illegal proceedings were also videographed at the instance of the Deputy Superintendent of Police, Rameshwari. The seized articles were taken away from the petitioner's house by them with criminal intention to misappropriate the same. Neither any Pachanama nor any other contemporary records as required under the law were recorded at the place of seizure.

4. Subsequently, the above illegal activities were informed by the petitioner to the higher Police officials. While, ***the seized articles were produced** before the learned Judicial Magistrate, Tirupattur in Crime No.23 of 2010, which is pending investigation on the file of the Deputy Superintendent of Police, District Crime Branch, Vellore District, the petitioner informed the Magistrate about the above illegally seized articles by the Deputy Superintendent of Police, Rameshwari.

The petitioner lodged a complaint on 11.05.2010 with regard to the illegal acts committed by the Deputy Superintendent of Police, Rameshwari and the same was forwarded to the Commissioner of Police, Salem. Since no further communication was received, the petitioner sent a legal notice dated 10.04.2015 to the first and third respondents and the same was received by them on 17.04.2015. He sent another reminder letter to the first respondent on 29.06.2015, which was also acknowledged. When the petitioner appeared before the first respondent on 29.06.2015 for enquiry, he was informed that action will be taken within a period of ten days. Even then, no action was taken. Hence, the petitioner has come forward with this present petition.

5. I have heard the learned counsel appearing for the petitioner as well as the learned Additional Public Prosecutor.

6. Considering the above said submissions, this Court directs the fourth respondent to conduct an enquiry with regard to the allegations made by the complaint dated 11.05.2010 and reminder letter dated 29.06.2015, and directed to proceed further in accordance with law, as early as possible.

7. With the above directions, the Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

sd/-

Assistant Registrar (Cs-IV)

**Paragraph No.4 is corrected
as per order of this court
dated 02.03.2016**

Sd/-

**Assistant Registrar (CS IV)
16.033.2016.**

/TRUE COPY/

Sub-Assistant Registrar

vrc/srn

To

1. The Superintendent of Police,
O/o.The Superintendent of Police,
Sathuvacheri, Vellore 632 006
2. The Deputy Superintendent of Police,
District Crime Branch,
Vellore - 632 002.

3. The Director General of Police,
Radhakrishnan Road,
Mylapore,
Chennai 600 004
4. The Assistant Commissioner of Police,
West Crime, Salem City,
Salem
5. The Public Prosecutor
High Court, Madras

Corrected order to
be sent.

+1 CC to MR.S.Jayakumar Advocate. SR.NO. 67453

Cr1.O.P.No.27004 of 2015

CO-KSJ
JD 07/01/2016
kra 17.03.2016



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