

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.28102 of 2015

S.Daniel Fernando

... Petitioner

Vs

1. The Commissioner of Police,
Vepery, chennai - 7

2. The Inspector of Police,
Thoraipakkam Police Station limits,
Thoraipakkam, Chennai - 97

3. M.Siddhiq @ Abubakkar

4. Malikkinisa
(R3 and R4 are impleaded as per the
order of this Court dated 30.11.2015 made
in M.P.No.1 of 2015 in Cr1.O.P.No.28102
of 2015 by RPSJ)

.... Respondents

Criminal Original Petition filed under Section 482
Cr.P.C. to direct the 2nd respondent to register a FIR as against
the complaint dated 31.10.2015 submitted by the petitioner with
the 1st respondent.

For Petitioner : Mr.T.Ramachandran

For respondents : Mr.C.Emalias, for R1 and R2
Additional Public Prosecutor

Mr.P.J.Rishikish for R3 and R4

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O R D E R

The present criminal original petition has been filed seeking a direction to the 2nd respondent to register a FIR as against the complaint dated 31.10.2015 submitted by the petitioner with the 1st respondent.

2. When the matter is taken up for consideration, the learned counsel appearing for the petitioner submitted that he had lodged a complaint against the respondents 3 and 4 herein and the police has not taken any action as against the said complaint, hence he has come forward with the present petition.

3. The learned counsel appearing for the petitioner submitted that earlier the respondent No.3 has filed a complaint as against this petitioner on the allegation of criminal trespass and no action was taken on the said complaint; hence the 3rd respondent herein filed a Criminal original petition before this Court in CrI.O.P.No.31566 of 2014 to direct the 2nd respondent police to register the said complaint. The said Petition was dismissed by this Court on 04.12.2014. While dismissing the said O.P., this Court has observed that power of this Court under Section 482 of Cr.P.C., cannot be invoked for trivial matters, it is for the petitioner to workout his remedy elsewhere. After dismissal of the petition, the 3rd respondent's complaint was enquired into and FIR was registered as against the petitioner herein in Crime No.2369 of 2014 for alleged offences under Sections 447, 294(b), 427 and 506(ii) of IPC. Now, the respondent-Police is refusing to register the complaint of the petitioner.

4. The learned Additional Public Prosecutor submitted that the complaint given by the 3rd respondent was registered even before passing order in CrI.O.P. No.31566 of 2014 dated 04.12.2014; therefore, it is incorrect to state that the police registered complaint after disposal of the CrI.O.P.No.31566 of 2014. The present complaint was given only as a counter blast to the complaint of the 3rd respondent.

5. I have heard the learned counsel appearing for the petitioner, learned counsel for the respondents 3 and 4 and the learned Additional Public Prosecutor appearing for the respondents 1 and 2.

6. Irrespective of the submissions made by the learned

counsel appearing for the petitioner and the respondents 3 & 4 and the learned Additional Public Prosecutor, I am of the opinion that since the petitioner's complaint is now pending before the 2nd respondent police, the 2nd respondent-police is directed to conduct enquiry and dispose of the complaint as early as possible.

7. This Criminal Original petition is disposed of on the above terms.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ssd

To

1. The Commissioner of Police,
Vepery, chennai - 7
2. The Inspector of Police,
Thoraipakkam Police Station limits,
Thoraipakkam, Chennai - 97
3. The Public Prosecutor,
High Court, Madras.

+1cc to M.Naraayanaswamy, Advocate sr.65882[29/12/2015]

Crl.O.P.No.28102 of 2015

CA(CO)
CA(28/12/2015)

सत्यमेव जयते

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