

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.29414 of 2015

Sivashankar

... Petitioner

.Vs.

The Inspector of Police,
Kavundapadi Police Station,
Kavundapadi,
Erode District.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent to register FIR against the named persons on the basis of the complaint lodged by the petitioner on 02.12.2015.

For Petitioner : Mr.C.Prakasam

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

O R D E R

The present Criminal Original Petition has been filed seeking a direction to the respondent to register the FIR based on the petitioner's complaint dated 02.12.2015.

2. In the affidavit accompanying the petition, the petitioner has stated that while he was working as a Cooly in one Loganathan's land, on 26.11.2015, his owner called him to accompany him to enquire with Headmaster, one Sundarrasu and Assistant Headmaster, one Venkatesan, who ill-treated the said owner's wife, who is working as a Teacher in the same Government Boys' Higher Secondary School, Kavundapadi. When the petitioner's owner enquired with the Headmaster and Assistant Headmaster, they began to quarrel with him and when the

petitioner intervened to pacify the issue, the said Headmaster and Assistant Headmaster threatened the petitioner not to interfere with the issue and abused the petitioner with his caste name in the presence of students and others and also threatened him. In this connection, the petitioner lodged a complaint with the respondent police on 02.12.2015. Since FIR is not registered by the respondent police, having no other alternative remedy, the petitioner has come up with the above Criminal Original Petition.

3. Heard the learned counsel for the petitioner as also the learned Additional Public Prosecutor appearing for the respondent.

4. Learned Additional Public Prosecutor appearing for the respondent would submit that the respondent police may be directed to enquire into the petitioner's complaint.

5. Considering the above submissions and without going into the merits of the petitioner's claim, this Court feels it appropriate to direct the respondent police to conduct an enquiry on the petitioner's complaint dated 02.12.2015 if enquiry is not conducted so far, and proceed further in accordance with law, as early as possible. During the course of investigation, if the respondent comes to the conclusion that no prima facie case has been made out for registering the complaint, he is directed to pass an appropriate order on the said complaint.

This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar(CS V)

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Sub Assistant Registrar

aeb

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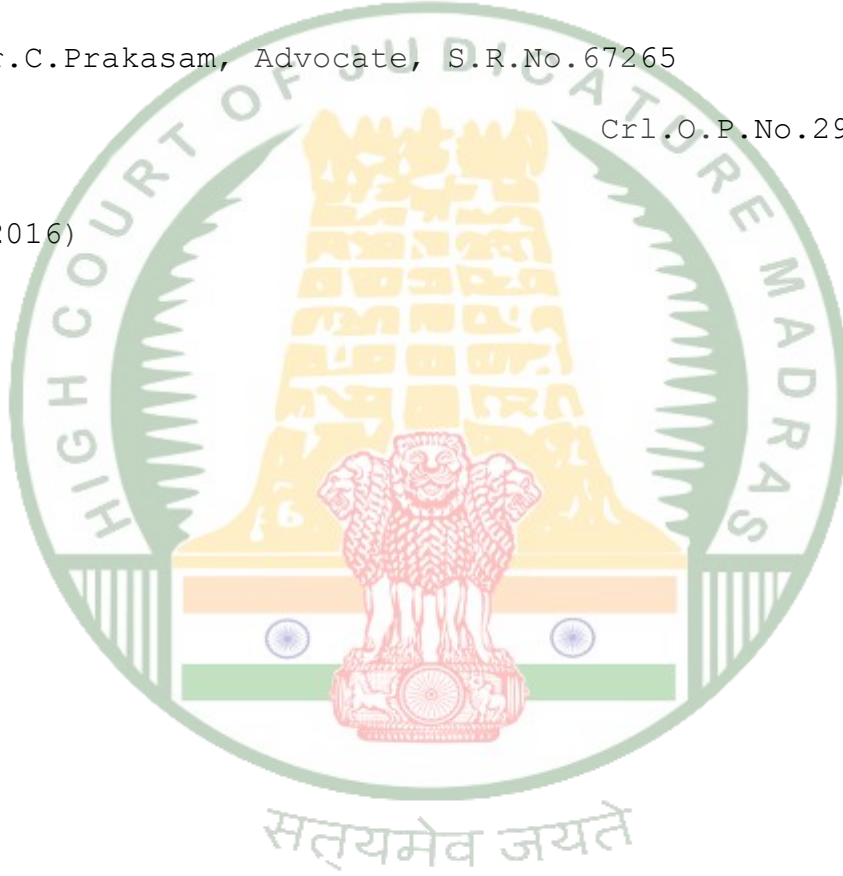
To

1. The Inspector of Police,
Kavundapadi Police Station,
Kavundapadi, Erode District.
2. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.C.Prakasam, Advocate, S.R.No.67265

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KJI (CO)
CA(08/01/2016)



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