

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2015

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.29573 of 2015

Anjali Devi

... Petitioner

Vs

State rep. by
The Superintendent of Police,
Kancheepuram District.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the respondent police to register an FIR and investigate according to her complaint dated 02.03.2015.

For Petitioner : Mr.N.Sudarsan
For Respondent : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed seeking direction to the respondent police to register a FIR based on the complaint given by the petitioner dated 02.03.2015 .

2. Due to misunderstanding existed between the petitioner and one Parimalam and Perumal, who are living opposite to the house of the petitioner, the said persons gave a complaint against the petitioner before the Inspector of Police, Sivakanchi Police Station, Kancheepuram District. On 27.02.2015, Sub Inspector of Police, Special Wing, attached to the Sivakanchi Police Station called the petitioner for enquiry. When the petitioner asked the Inspector of Police about the nature of complaint, he refused to give proper reply.

3. Mr. Prabhakaran, the Inspector of Police came along with Kannappan, Sub Inspector of Police, Selvam, Kumar and also two lady constables stood in front of the gate and abused her in filthy language. Due to the frequent unparliamentary words used by the police, the petitioner and her younger son went to the police station, wherein also the Inspector of Police abused the petitioner in filthy language and attacked her son without any reason and also threatened them. Hence, she lodged a complaint

on 02.03.2015 to the Superintendent of Police to permit her to file a private complaint against the police officials. Thereafter, she sent legal notice to the Inspector of Police and others. In the reply, they have stated that the petitioner was brought to police station for enquiry in C.S.R.No.614 of 2014, which is fabricated by the police in order to escape from the clutches of law. Hence, the respondent police is directed to register an FIR on the basis of the complaint given by her on 02.03.2015. Hence, the present criminal original petition has been filed.

4. The learned Additional Public Prosecutor filed a detailed counter statement and denies the allegation made by the petitioner. One Parimalam, who is running a Music and Dance Class in the name of "Tejas Institute of Fine Arts", has lodged a complaint on 16.11.2014 stating that the petitioner and her son Jaganath abused the students, who are studying in the said institute in filthy language in public place. Based on the said complaint the petitioner and her son were called for enquiry, but they did not come for enquiry. Subsequently, charge sheet has been filed against the petitioner and her son before the Judicial Magistrate-I, Kancheepuram and the same is yet to be taken on file. It is further submitted that A1 in that case is already involved in a murder case and only with an intention to harass the police officials, false complaint has been lodged by the petitioner.

5. The learned Additional Public Prosecutor would further submits that the complaint given by the petitioner was enquired and closed.

6. Since the complaint given by the petitioner was enquired and closed, nothing survives in this petition. Therefore, the petition is dismissed and the petitioner is at liberty to work out her remedy in the manner known to law, if she so desires.

mrp

-s/d-

Assistant Registrar(CS-II)

True Copy

Sub-Assistant Registrar

To

1. The Superintendent of Police, Kancheepuram District.
2. The Public Prosecutor, High Court, Madras.

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