

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2015

CORAM

The Hon'ble Mr. Justice R.S.RAMANATHAN

Crl.O.P.No. 2987 of 2015

S.Murugammal

...Petitioner/s

vs.

1.The Commissioner of Police,
Police Commissionerate,
Salem City and District.

2. The State, rep. by
Inspector of Police,
Veeranam Police Station,
Salem District.

...Respondents

Criminal Original Petition filed under Section 482 of the Criminal Procedure Code praying to direct the respondents to register the complaint of the petitioner, dated 12.01.2015.

For Petitioner : Mr.P.Vijendran

For Respondents: Mr.M.Maharaja
Additional Public Prosecutor

O R D E R

This petition is filed, seeking direction upon the respondent/Police to register a case on the complaint given by the petitioner, dated 12.01.2015.

2. It is submitted by the learned counsel appearing for the petitioner that the petitioner's son by name Surenbabu, and the petitioner's nephew, named Prem @ Premraj, were produced before the Egmore Court in connection with the murder of one Murugan, and on 29.9.2014, his son was taken into police custody and the Inspector of Police, Nagarajan abused the petitioner's son by calling him by his caste, and therefore, the said said Nagarajan has committed offence punishable under the provisions of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Ordinance Act, 2014, and for that purpose, the complaint was given by the petitioner to the respondents herein, but, the same was not received. Hence, the

petitioner has approached this Court by way of filing the present Petition for the relief as stated above.

3. On the aforesaid submissions, heard the learned Additional Public Prosecutor, for the respondent/Police,

4. It is seen from the complaint, dated 12.01.2015, given by the petitioner that case in Cr.No.161 of 2014, was registered on the basis of the complaint given by the petitioner for offence punishable under Sections 147, 148, 302 IPC read with Section 4 of TNPPD Act, 1959 and Section 3 (1) (r) (3) and 3 (2) (va) of SC/ST Act POA, 2014. Further, in respect of the murder of one Murugan, case was registered against the petitioner's son and others and they were arrested and produced before the Magistrate, Egmore on 22.09.2014 and they were taken into police custody on 01.10.2014, and on that date, the Inspector of Police, Nagarajan called the petitioner's son by name and insulted him by calling his caste name, as the petitioner belonged to scheduled caste. In the said complaint, dated 12.01.2015, the petitioner only prayed for transfer of investigation of the case filed against her son by requesting the Police Office to transfer the case to Chennai, and she has not asked for registration of the case against the Inspector of Police/Nagarajan, who, according to the petitioner humiliated her son. In the petition filed before this Court, the petitioner has sought for direction upon the respondent/Police to register case on the basis of her complaint, dated 12.01.2015.

5. It is admitted by the learned counsel for the petitioner that, when the petitioner's son was remanded before the Magistrate, after the police custody was over, there was no complaint given by the petitioner's son to the Magistrate regarding the conduct of the Inspector of Police/Nagarajan. The learned counsel submitted that though the petitioner's son made complaint against the Inspector of Police/Nagarajan, that was not received by the learned Magistrate, in respect of the incident that took place on 01.10.2014, as on date, there is no evidence to show that action was taken by the petitioner or by her son against the Inspector of Police/ Nagarajan , for having committed the offence punishable under the provisions of SC/ST (POA) Act, 2014 and no complaint has been made against the Magistrate for not taking action against the Inspector of Police/Nagarajan. Therefore, at this stage, no purpose would be achieved by directing the respondent/Police to register case in respect of the incident that took place on 01.10.2014, as there is no basis for the same.

6. In the result, the Crime Original Petition is dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

sd

To

1.The Commissioner of Police,
Police Commissionerate,
Salem City and District.

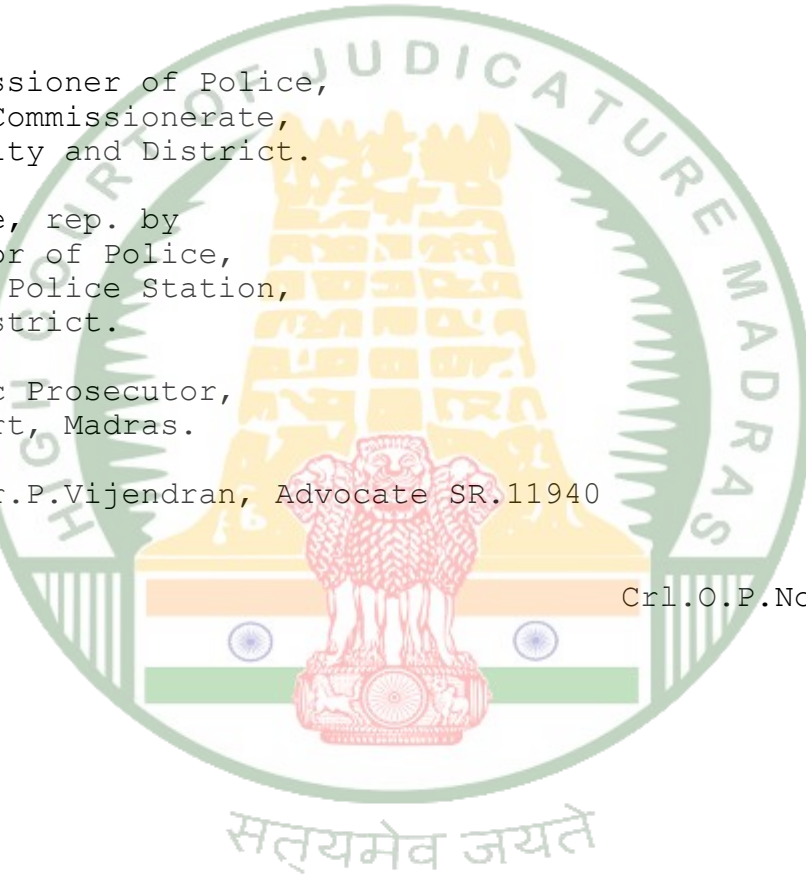
2. The State, rep. by
Inspector of Police,
Veeranam Police Station,
Salem District.

3.The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.P.Vijendran, Advocate SR.11940

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