

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.OP.No.7027 of 2015

R.Madavan

.. Petitioner

Vs.

1. Superintendent of Police,
Salem.

2. Inspector of Police,
Annathanampatti Police Station,
Salem District.

.. Respondents

Criminal Original Petition filed under Section 482 Cr.P.C.,
praying to direct the 2nd respondent herein viz. the Inspector of
Police, Annathanampatti, Salem District to register the case on the
basis of the complaint lodged by the petitioner on 10.03.2015.

For Petitioner : Mr.A.Rajakumar
(No appearance)

For Respondents : Mr.C.Emalias,
Addl. Public Prosecutor

O R D E R

There was no representation for the petitioner on 29.06.2015,
13.07.2015, 10.08.2015, 07.09.2015 and today also. Therefore, this
Court perused the records. The respondent police have filed a counter
in this case, wherein, it is stated as follows;

"3. I submit that the gist of the petition as
follows;

The complainant/petitioner - Tr.Madhavan has
stated that he was standing in front of the
Superintendent of Police's office, at that time
Tr.Natarajan, Inspector of Police came to the spot
and abused the complainant by using his community,
due to the previous enmity.

Hence, the complainant sent a complaint to the 2nd respondent police through register post, dated 09.03.2015 and the same was received by the 2nd respondent police and assigned C.No.27/Inspr./B-4 PS/2015, dated 12.03.2015 and I have taken up enquiry.

4. It is submitted that I issued summon to the petitioner/complainant to appear before me for investigation on 21.03.2015 and it was served him on 23.03.2015. During enquiry, though he appeared, he did not co-operate.

5. It is submitted that I have collected the tower location and call details of the mobile number 97505 86411 viz. belonging to the petitioner/complainant had not come to Annathanapatti, Salem City the date of occurrence i.e. 10.03.2015 which is mentioned by the petitioner in this petition. Further, the petitioner/complainant has not mentioned the time of occurrence on the address of the witnesses. Further, we came to know that the complainant has sent a complaint through RPAD on 09.03.2015 the evident (receipts of RPAD) from Azhagapuram Post Office, Salem City, but he has mentioned this petition that the above said occurrence has happened on 10.03.2015. Therefore, considering the fact, the date of sending the complaint precedes the occurrence and that the petitioner/complainant was not in Salem on the said date, the allegation of the petitioner/complainant is improbable and must be false.

7. It is submitted that the respondent police has conducted an enquiry in a fair, free and impartial manner in accordance with law. We have complied all the mandatory provisions during the course of enquiry. The Respondent Police has enquired this petition and the same is pending.

7a. It is submitted that from the records, it has come to light that the complainant made by the petitioner/complainant is actuated by malice since he was arrayed as accused by the Inspector of Police, Tr.Natarajan in Crime No.28/2012 for the offences under Sections 294(b), 323 & 506(ii) IPC based on written complaint given by one Kathiravan, S/o. Soundarajan, Thammampatti, Salem District. The allegation that this case is a false case is highly baseless since the same was particularly based on written complaint and on finally sufficient material charge sheet has been filed in C.C.No.73/2012 before the Learned Judicial Magistrate Court No.II, Attur,

Salem District and the same was taken on file on 28.05.2012. The case is posted to 23.06.2015 for examination of Doctor and Investigation officer.

7b. It is submitted that the petitioner/complainant had lodged a complaint before the State Human Rights Commission, Chennai with forged seal (SHRC NO.1636/15) of State Human Rights Commission, Chennai. Regarding that the Assistant Registrar (Law), State Human Rights Commission of Tamil Nadu lodged a complaint against the petitioner/complainant for misusing the name of "Govt. of India" and "Human Rights and Anti Corruption Council".

As per the complaint of the Assistant Registrar (Law), State Human Rights Commission of Tamil Nadu, a case was registered in Thammampatti Police Station Crime No.106/2015 under Sections 170, 419, 420, IPC r/w 5 of the Emblem & name (prevention of Improper use) Act 1950 on 30.04.2015.

The petitioner/complainant was arrested by the Inspector of Police, Thammampatti Police Station, Salem District in Crime No.106/2015 on 30.04.2015 and remanded to judicial custody.

8. It is submitted that I deny all the allegations made by the petitioner/complainant as false, baseless and incorrect.

9. It is submitted that the petitioner/complainant has the following previous cases:

Sl.No.	Thammampatti Police Station & Crime No.	Section of Law	Stage of the case
1.	Crime No.28/2012	under Sections 294(b), 323 & 506(ii) IPC	Pending Trial
2.	Crime No.106/2015	under Sections 170, 419, 420 IPC r/w 5 of the Emblem & name (prevention of improper use) Act 1950.	Under investigation

2. It is seen that the petitioner has got previous cases against him and the present complaint was filed as a counter blast. Hence, no positive direction as prayed for by the petitioner can be granted.

In view of the above, the criminal original petition is dismissed.

sms

Sd/-
Assistant Registrar (Records)

/True Copy/

Sub-Assistant Registrar

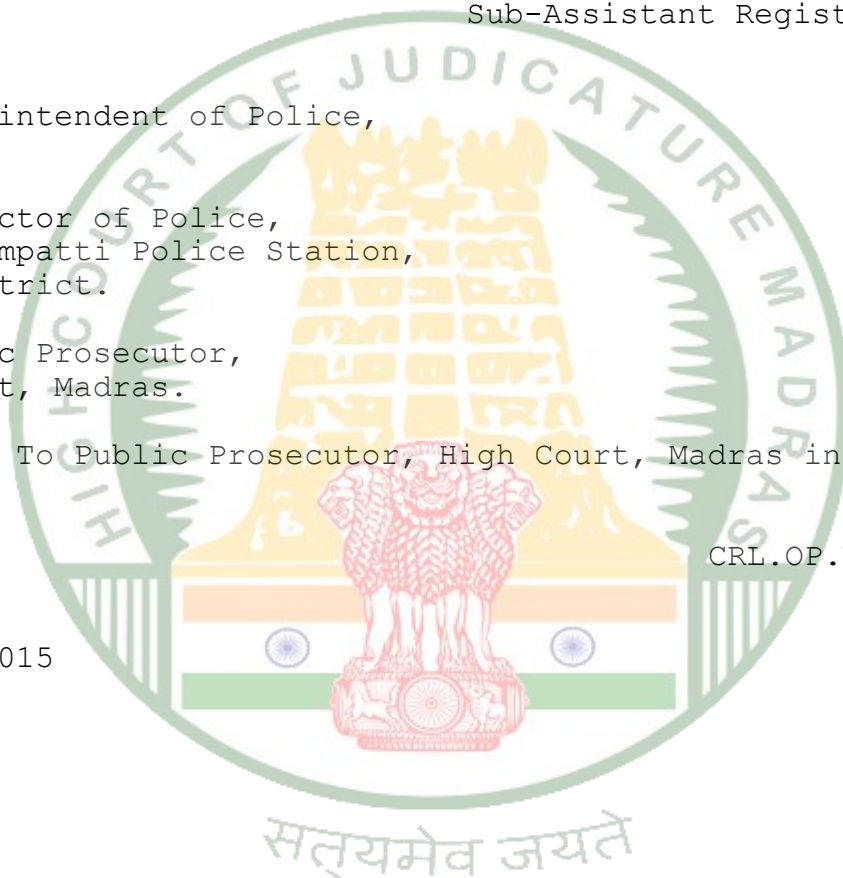
To

1. The Superintendent of Police,
Salem.
2. The Inspector of Police,
Annathanampatti Police Station,
Salem District.
3. The Public Prosecutor,
High Court, Madras.

+1 C.C. To Public Prosecutor, High Court, Madras in SR.NO.51614

CRL.OP.No.7027 OF 2015

LRS (CO)
sd : 13/10/2015



WEB COPY