

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP.No.9936 of 2015

V.Muthulingam

...Petitioner

Vs

1. The Director General of Police,
Dr.Radhakrishnan Road,
Chennai - 600 104.
2. The Inspector General of Police,
Crime Branch,
Chennai.
3. The Deputy Inspector General of Police,
Camp Office,
Villupuram.
4. The District Superintendent of Police,
Villupuram District,
Villupuram.

...Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the Respondents to register the complaint given by the petitioner dated 22.01.2015 and investigate the same in accordance with law.

For Petitioner

:

Mr.C.Munusamy

For respondents

:

Mr.C.Emalias

Additional Public Prosecutor

ORDER

This petition has been filed to direct the Respondents to register the complaint given by the petitioner dated 22.01.2015 and investigate the same in accordance with law.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. It is seen that the respondent police registered a case in Crime No.408 of 2007 and after completing the investigation, they have filed a final report in C.C.No.54 of 2014 before Judicial Magistrate No.I, Ulundurpet, against seven persons. In that prosecution, this petitioner has been shown as prosecution witness No.5 (LW5).

4. It is the case of the petitioner that he had never given 161 statements as recorded by the police and that the police have themselves recorded the same. It is settled law that 161 statement is not substantive piece of evidence. It is always open to the petitioner to give evidence in the Court of Law and speak the truth.

5. The learned counsel for the petitioner submitted that a direction should be given to prosecute the police officials.

6. In the considered opinion of this Court, such a direction cannot be issued, as these matters are to be decided by the trial Court. Hence, this petition is closed.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

sms

To

1. The Director General of Police,
Dr.Radhakrishnan Road,
Chennai - 600 104.
2. The Inspector General of Police,
Crime Branch,
Chennai.
3. The Deputy Inspector General of Police,
Camp Office,
Villupuram.

4. The District Superintendent of Police,
Villupuram District,
Villupuram.

5. The Public Prosecutor
High Court, Madras.

1 CC to Mr.C.Munusamy, Advocate SR.No. 41319

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km (CO)
PSI (28.08.2015)



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