

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 16.06.2015

Delivered on : 22.06.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CRL.O.P.No.26541 of 2013

C.Karunanidhi

... Petitioner

Versus

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

2.The Inspector of Police,
Tindivanam Police Station,
Tindivanam, Villupuram District.

3.The Inspector of Police,
District Crime Branch,
Villupuram, Villupuram District.

4.S.Murali @ Raguraman

... Respondents

[Impleaded as 4th respondent vide order of this Court dated 16.06.2015 in MP.No.1 of 2015 in Crl.O.P.No.26541 of 2013]

Criminal Original petition filed under Section 482 of the Criminal Procedure Code praying to direct the 2nd respondent to register the complaint of the petitioner dated 07.09.2013 and investigate the same in accordance with law.

For Petitioner : Mr.R.Sankarasubbu
For Respondents : Mr.S.Shanmugavelayutham,
Public Prosecutor [for R1 to R3]
: M/s.Ram and Ram [for R4]

O R D E R

Seeking a direction to the 2nd respondent to register the complaint of the petitioner dated 07.09.2013 and investigate the same in accordance with law.

2. Heard the learned counsel for the petitioner; learned Additional Public Prosecutor appearing for the respondents 1 to 3 and

the learned counsel appearing for the 4th respondent and perused the materials placed on record.

3. The sum and substance of the allegations in the complaint dated 07.09.2013 given by the petitioner is that S.Murali @ Raguraman, the 4th respondent herein has manipulated several records and won the elections to the Thenkodipakkam Primary Agricultural Co-operative Society that was held in the year 2013.

4. On a complete reading of the complaint, it does not disclose material particulars and the allegations are indeed very vague. That apart, the petitioner alleged several irregularities in the election of the 4th respondent and filed WP.Nos.18055 and 20339 of 2013 in which, the CBCID was directed to conduct an enquiry and file a Final Report before this Court. After receiving the report, this Court disposed of the Writ Petitions on 19.09.2013, with a direction to the petitioner to workout his remedy before the appropriate forum.

5. It is admitted by the petitioner that he has preferred an election petition before the appropriate forum and is working out his remedies. Challenging the order dated 19.09.2013 passed by this Court in WP.Nos.18055 and 20339 of 2013, the petitioner filed WA.No.2006 of 2013, which was dismissed by this Court on 27.09.2013.

6. Mr.Sudhakar, Inspector of Police, Tindivanam Police Station has filed a counter, in which, in paragraph No.7 to 11, it is stated as follows :

"7. I submit that this Hon'ble Court has categorically held that the CBCID Police has investigated the matter and has reached a conclusion that there are no malpractice in the election in which the 4th respondent had been elected as a Director and the order of Single Judge is upheld.

8. I submit that the petitioner later filed a Civil Suit before the Principal District Munsif, Villupuram in Civil Suit [unnumbered] in SR.No.6137/2013 questioning the validity of the election, mentioning the same irregularities. The said civil suit was also dismissed under section 90 of the Tamil Nadu Co-operative Societies Act. Again, the petitioner filed a revision against the above order before this Hon'ble Court in CRP[PD] No.3876/2013 and the same is pending.

9. I submit that the petitioner has suppressed the above facts in the Crl.OP.No.26541/2013 before this Hon'ble Court and he has not come with clean hands. Because of the rivalry between the 4th respondent and the petitioner, the petitioner by filing vexatious petitions abuse the process of law and wasting the precious time of this Hon'ble Court.

10. I submit that during the course of the enquiry in CSR.188/2013, the 4th respondent Murali @ Raguraman was enquired and he gave a statement denying the allegation made by the petitioner in his complaint and he further stated that he was duly elected according to law and rules and regulations. When the petitioner Thiru.Karunanidhi was enquired he gave a statement narrating the contentions of the complaint and agreed to settle the matter with the jurisdiction Police Station, in which the alleged occurrence had taken place.

11. I submit that in view of the petitioner Thiru.Karunanidhi has chosen to deal the matter with the jurisdiction Police Station, the CSR.188/2013, registered based on the complaint of the petitioner was closed."

7. In view of the aforesaid facts and in the light of the fact that the complaint does not disclose the commission of any cognizable offence for the police to register an FIR, this petition is dismissed as devoid of merits and accordingly, dismissed.

gya

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1. The Superintendent of Police,
Villupuram District, Villupuram.
2. The Inspector of Police,
Tindivanam Police Station,
Tindivanam, Villupuram District.
3. The Inspector of Police,
District Crime Branch,
Villupuram, Villupuram District.

4. The Public Prosecutor,
High Court, Madras.

+ 1 cc to M/s.Ram and Ram Advocate SR 30293

+ 1 cc to Public Prosecutor, High Court, Madras SR 30612

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prk1/7

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