



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

Crl.O.P(MD)No.10027 of 2015

I.S.Sikkandar

... Petitioner

Vs.

1.The Home Secretary, Home Department,
The Government of Tamil nadu,
Secretariat,
St. George Fort, Chennai.

2.The Director of General of Police,
Chennai.

3.The Commissioner of Police,
Madurai City.

4.The Deputy Commissioner of Police,
Law and Order,
Madurai City.

5.The Assistant Commissioner of Police,
Law and Order,
Thilagar Thidal Range,
Madurai City.

6.The Inspector of Police,
Law and Order,
Thideer Nagar Police Station,
Madurai City.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C seeking a direction to the sixth respondent to register a case based on the petitioner's petition, dated 05.05.2015.

For Petitioner : Mr.M.Sheik Abdullah

For Respondents : Mr.K.Anbarasan

Government Advocate(Crl. Side)

O R D E R

This petition has been filed under Section 482 of Cr.P.C., seeking a direction to the sixth respondent to register a case based on the petitioner's complaint, dated 05.05.2015.

<https://hcservices.ecourts.gov.in/hcservices/> case of the petitioner is that the petitioner made a complaint on 05.05.2015 alleging that the proposed accused have assaulted him and he has also enclosed relevant documents



including the receipt given for the treatment taken by him, to show that he was physically assaulted by the proposed accused. But, the complaint has been closed as submitted by the learned Government Advocate(Crl. Side).

3. The learned counsel for the petitioner submitted that the petitioner has not been enquired and the documents produced by him have not been looked into. Merely because the proposed accused are police officials, the complaint was closed and by force the petitioner was made to put signature.

4. The learned Government Advocate(Crl. Side) submitted that the very submission of the petitioner that signatures have been obtained from him, would show that the petitioner has been enquired. He would further submit that since the complaint has been closed, no further order is required in this matter.

5. This Court is not willing to go into the factual dispute. The petitioner made serious allegations against the proposed accused, who are police officials. Further, a perusal of the complaint would go to show that the petitioner has several records in support of his complaint.

6. Considering the nature of the averments made in the complaint and in the interest of justice, this Court is inclined to transfer the same to some other investigating agency. It is also to be taken note that the petitioner has also given a copy of the complaint to the third respondent. Accordingly, the third respondent is directed to transfer the complaint made by the petitioner, dated 05.05.2015, to any other Officer under his jurisdiction and thereafter the concerned Officer shall proceed further in accordance with law.

7. With the above direction, this petition is disposed of.

Sd/-

Assistant Registrar(Writs)

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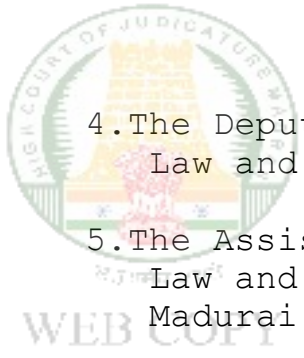
Sub-Assistant Registrar

To,

1. The Home Secretary, Home Department,
The Government of Tamil nadu, Secretariat,
St. George Fort, Chennai.

2. The Director of General of Police,
Chennai.

3. The Commissioner of Police,
Madurai City.



4.The Deputy Commissioner of Police,
Law and Order, Madurai City.

5.The Assistant Commissioner of Police,
Law and Order, Thilagar Thidal Range,
Madurai City.

6.The Inspector of Police,
Law and Order,
Thideer Nagar Police Station,
Madurai City.

7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+One cc to Mr.M.Sheik Abdullah, Advocate, SR.No.28584

pm
RL/9c- 18/6/2015

Crl.O.P.No.10027 of 2015

08.06.2015