



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2015

CORAM

THE HONOURABLE MRS.JUSTICE S.VIMALA

Crl.O.P.(MD)No.18967 of 2015

MURUGA SARASWATHI

.. Petitioner

Vs.

1. THE SUPEREINDENT OF POLICE,
THIRUNELVELI DISTRICT, THIRUNELVELI.

2. THE INSEPECTOR OF POLICE,
SENTHAMARAM POLICE STATION,
SENTHAMARAM,
THIRUNELVELI DISTRICT.

.. Respondents

Petition filed under Section 482 of Code of Criminal Procedure to direct the 2nd respondent to register the case against the accused persons on the basis of the petitioners complaint dated 02.09.2015.

For Petitioner : Mr.G.Gomathi Sankar

For Respondent : Mr.P.Kandasamy

Government Advocate (Crl.Side)

ORDER

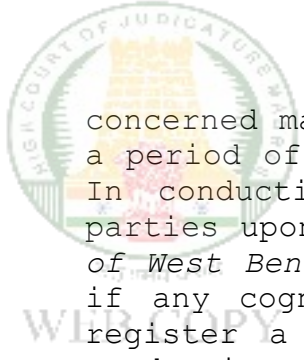
This petition has been filed seeking a direction to the 2nd respondent to register the case against the accused persons on the basis of the petitioners complaint dated 02.09.2015.

2.The petitioner applied for a job on compassionate ground, before the Assistant Director of Ex-service man welfare office at Tirunelveli. For that, they requested some documents from the revenue authority, for which, the petitioner approached the Village Administrative Officer, Ariyanayagipuram and he received all the documents stating that the same would be returned to the petitioner after getting signature from the Revenue authority. Thereafter, after six months, when the petitioner approached the Village Administrative Officer to receive the said documents, he demanded Rs.30,000/- and if not paid, he will not be get the signature from the revenue authority and the document would be thrown away on the street. Thereafter, after one month, the petitioner's documents were found on the street in front of Thirumalaisamy's house and when the same was questioned by the petitioner, the proposed accused and his wife threatened the petitioner with deadly weapons. Hence, the present complaint.

3.According to the learned Government Advocate (Crl.Side), petition enquiry is pending.

<https://hcservices.ecourts.gov.in/hcservices/>

4.As per the judgment of the Hon'ble Supreme Court in *Lalita Kumari vs. Govt. of U.P. & others* [2013 (4) Crimes 243 (SC)], the respondent



concerned may conduct a preliminary enquiry which shall not extend beyond a period of seven days from the date of receipt of a copy of this order. In conducting the preliminary enquiry, they shall put the concerned parties upon notice and follow the dictum laid down in *D.K.Basu Vs. State of West Bengal* reported in AIR (1997) SC 610. At the end of the enquiry, if any cognizable offence is made out, the concerned respondent shall register a case. In the event of effecting closure of the case upon conducting a petition enquiry, intimation regarding closure shall be sent to the complainant. It is left open to the petitioner to approach the concerned Judicial Magistrate in accordance with law, if he is aggrieved.

5. The Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

rj2

To

1. THE SUPERINTENDENT OF POLICE,
THIRUNELVELI DISTRICT, THIRUNELVELI.

2. THE INSPECTOR OF POLICE,
SENTHAMARAM POLICE STATION,
SENTHAMARAM,
THIRUNELVELI DISTRICT.

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

+one cc to M/s.G.Gomathi Sankar, Advocate in SR.NO.58014/15

Cr1.O.P. (MD) No.18967 of 2015
01.10.2015

CSL/JGB/19.10.2015

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