



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.03.2015

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THE HONOURABLE MR. JUSTICE C.T.SELVAM

Cr1.O.P. (MD) Nos.5646,5649,5675,5677,5679,5680,5681,
5683,5698,5699,5701,5702,5704,5707 and 5709 of 2015

MARY JASMINE ... PETITIONER in CRL OP(MD) No.5646 of 2015
THANGAVEL ... PETITIONER in CRL OP(MD) No.5649 of 2015
RAJENDRAN ... PETITIONER in CRL OP(MD) No.5675 of 2015
K.SURESH RAMAIAH ... PETITIONER in CRL OP(MD) No.5677 of 2015
K.MADHUSUDHANAN ... PETITIONER in CRL OP(MD) No.5679 of 2015
N.GOMATHI ... PETITIONER in CRL OP(MD) No.5680 of 2015
N.ARUNACHALAM ... PETITIONER in CRL OP(MD) No.5681 of 2015
KALAISELVAN ... PETITIONER IN CRL.OP(MD)NO.5683/2015
M.MANIKANDAN ... PETITIONER in CRL OP(MD) No.5698 of 2015
M.KRISHNAVENI ... PETITIONER IN CRL.OP(MD)NO.5699/2015
NATARAJAN ... PETITIONER in CRL OP(MD) No.5701 of 2015
K.MADASAMY ... PETITIONER in CRL OP(MD) No.5702 of 2015
ABRAHAMRAJ ... PETITIONER(s) in CRL OP(MD) No.5704 of 2015
M.VEERANAN ... PETITIONER IN CRL.OP(MD)NO.5707 of 2015
R.GANAGESHWARI ... PETITIONER(s) in CRL OP(MD) No.5709 of 2015

-VS-

1 THE STATE OF TAMIL NADU
REP. BY THE SUPERINTENDENT OF POLICE
KANYAKUMARAI DISTRICT.
2 THE INSPECTOR OF POLICE
DUISSON CRIME BRANCH NAGERCOIL
KANYAKUMARAI.

<https://hcservices.edutextsolutions.com>

... RESPONDENT(s) in CRL OP(MD) No.5646 of 2015



1 THE SUPERINTENDENT OF POLICE
KARUR DIST. KARUR.

2 THE INSPECTOR OF POLICE
KULITHALAI POLICE STATION, KULITHALAI ,
KARUR DISTRICT RESPONDENT(s) in CRL OP(MD) No.5649 of 2015

1 THE SUPERINTENDENT OF POLICE
SIVAGANGAI DISTRICT SIVAGANGAI.

2 THE INSPECTOR OF POLICE
TOWN POLICE STATION DEVAKOTTAI SIVAGANGAI
DISTRICT. ... RESPONDENT(s) in CRL OP(MD) No.5675 of 2015

1 THE DEPUTY COMMISSIONER OF POLICE CRIME BRANCH MADURAI CITY

2 THE INSPECTOR OF POLICE
THEPAKULAM POLICE STATION MADURAI.
... RESPONDENT(s) in CRL OP(MD) No.5677 of 2015

1 THE SUPERINTENDENT OF POLICE
SIVAGANGAI DISTRICT.

2 THE INSPECTOR OF POLICE
KARAIKUDI NORTH POLICE STATION SIVAGANGAI
DISTRICT.
... RESPONDENT(s) in CRL OP(MD) No.5679 of 2015

1 THE SUPERINTENDENT OF POLICE
SIVAGANGAI DIST SIVAGANGAI.

2 THE INSPECTOR OF POLICE
TOWN POLICE STATION DEVAKOTTAI
SIVAGANGAI DISTRICT
... RESPONDENT(s) in CRL OP(MD) No.5680 of 2015

1 THE SUPERINTENDENT OF POLICE
KARUR DISTRICT KARUR.

2 THE INSPECTOR OF POLICE
KARUR TOWN POLICE STATION KARUR.

<https://hcservices.ecourts.gov.in/hcservices/> RESPONDENT(s) in CRL OP(MD) No.5681 of 2015



1 THE SUPERINTENDENT OF POLICE
TIRUNELVELI DISTRICT.

2 THE INSPECTOR OF POLICE
VASUDEVANALLUR POLICE STATION
TIRUNELVELI DISTRICT

... RESPONDENT(s) in CRL OP(MD) No.5683 of 2015

1 THE STATE REP BY ITS
THE SUPERINTENDENT OF POLICE
MADURAI DISTRICT MADURAI.

2 THE INSPECTOR OF POLICE
OTHAKADAI POLICE STATION MADURAI DISTRICT.

3 THE SUB INSPECTOR OF POLICE
OTHAKADAI POLICIE STATION MADURAI DISTRICT.
... RESPONDENT(s) in CRL OP(MD) No.5698 of 2015

1 THE SUPERINTENDENT OF POLICE
SIVAGANGAI DISTRICT SIVAGANGAI.

2 THE INSPECTOR OF POLICE
KUNDARAKKUDI POLICE STATION
SIVAGANGAI DISTRICT.
... RESPONDENT(s) in CRL OP(MD) No.5699 of 2015

1 THE SUPERINTENDENT OF POLICE
PUDUKKOTTAI PUDUKKOTTAI DIST.

2 THE DEPUTY SUPERINTENDENT OF POLICE PUDUKKOTTAI
PUDUKKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE
GANESH NAGAR POLICE STATION PUDUKKOTTAI.
... RESPONDENT(s) in CRL OP(MD) No.5701 of 2015

1 THE SUPERINTENDENT OF POLICE
VIRUDHUNAGAR DISTRICT, VIRUDHUNAGAR.

2 THE DEPUTY SUPERINTENDENT OF
POLICE RAJAPALAYAM VIRUDHUNAGAR DISTRICT.

3 THE INSPECTOR OF POLICE
RAJAPALAYAM NORTH POLICE STATION
RAJAPALAYAM VIRUDHUNAGAR DISTRICT

... RESPONDENT(s) in CRL OP(MD) No.5702 of 2015



1 THE SUPERINTENDENT OF POLICE
KANYAKUMARI DISTRICT AT NAGERCOIL.

2 THE INSPECTOR OF POLICE
PUTHUKADAI POLICE STATION PUTHUKADAI
KANYAKUMARI DISTRICT.

... RESPONDENT(s) in CRL OP(MD) No.5704 of 2015

1. THE SUPERINTENDENT OF POLICE, MADURAI DISTRICT, MADURAI

2. THE INSPECTOR OF POLICE, PERUNGUDI POLICE STATION,
PERUNGUDI, MADURAI ..RESPONDENTS IN CRL.OP(MD) NO.5707 OF 2015

1 THE COMMISSIONER OF POLICE
TIRUNELVELI DISTRICT TIRUNELVELI.

2 THE SUB INSPECTOR OF POLICE
TIRUNELVELI MEDICAL COLLEGE HOSPITAL POLICE STATION
TIRUNELVELI DISTRICT.

... RESPONDENT(s) in CRL OP(MD) No.5709 of 2015

PETITIONS FILED UNDER SECTION 482 CR.P.C.

PRAYER IN CRL OP(MD) NO.5646 OF 2015: TO PASS APPROPRIATE ORDER
DIRECTING THE 2ND RESPONDENT TO REGISTER A CASE ON THE COMPLAINT
OF THE PETITIONER DATED 14/03/2015 AND INVESTIGATE THE SAME IN
ACCORDANCE WITH LAW.

PRAYER IN CRL OP(MD) NO.5649 OF 2015: TO DIRECT THE 2ND RESPONDENT
TO REGISTER THE CASE AS PER THE COMPLAINT OF THE PETITIONER DATED
03.03.2015.

PRAYER IN CRL OP(MD) NO.5675 OF 2015: TO DIRECT THE RESPONDENTS TO
REGISTER THE CASE ON THE BASIS OF THE COMPLAINT GIVEN BY THE
PETITIONER DATED 16.02.2015.

PRAYER IN CRL OP(MD) NO.5677 OF 2015: TO DIRECT THE RESPONDENTS TO
REGISTER A CASE ON THE BASIS OF PETITIONERS COMPLAINT DATED
29.12.2014 AND INVESTIGATE THE SAME.

PRAYER IN CRL OP(MD) NO.5679 OF 2015: TO DIRECT THE RESPONDENTS TO
REGISTER THE PETITIONERS COMPLAINT DATED 24.02.2015.

PRAYER IN CRL OP(MD) NO.5680 OF 2015: TO DIRECT THE RESPONDENTS TO
REGISTER THE CASE ON THE BASIS OF THE COMPLAINT GIVEN BY THE
PETITIONER DATED 17.03.2015 AND THUS RENDER JUSTICE.



PRAYER IN CRL OP(MD) NO.5681 OF 2015: TO DIRECT THE 2ND RESPONDENT HEREIN TO REGISTER A CASE BASED ON THE COMPLAINT DATED 04.03.2015 PREFERRED BY THE PETITIONER AND TO FILE A FINAL REPORT WITHIN THE TIME THAT MAY BE STIPULATED BY THIS HONOURABLE COURT.

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PRAYER IN CRL OP(MD) NO.5683 OF 2015:
TO DIRECT THE RESPONDENT POLICE TO REGISTER A CASE ON THE COMPLAINT OF THE PETITIONER DATED 03.03.2015.

PRAYER IN CRL OP(MD) NO.5698 OF 2015:
TO DIRECT THE RESPONDENTS NO.2 AND 3 TO REGISTER A CASE AGAINST THE ACCUSED ON THE BASIS OF THE PETITIONERS COMPLAINT DATED 12.02.2015 WITHIN STIPULATED TIME.

PRAYER IN CRL OP(MD) NO.5699 OF 2015:
TO DIRECT THE 2ND RESPONDENT TO REGISTER THE PETITIONERS COMPLAINT DATED 04.01.2015 AND INVESTIGATE THE MATTER ACCORDANCE WITH LAW.

PRAYER IN CRL OP(MD) NO.5701 OF 2015:
TO ISSUE A DIRECTION, DIRECTING THE RESPONDENTS TO REGISTER THE FIR ON BASIS OF THE COMPLAINT DATED 26.01.2015 RECORDED IN THE HOSPITAL AND ON THE BASIS OF THE PETITIONER REPRESENTATION DATED 21.03.2015.

PRAYER IN CRL OP(MD) NO.5702 OF 2015:
TO DIRECT THE RESPONDENT NO.3 TO REGISTER THE FIR IN THE COMPLAINT OF THE PETITIONER DATED 13.03.2015 AND ACT IN ACCORDANCE WITH LAW AND THUS RENDER JUSTICE.

PRAYER IN CRL OP(MD) NO.5704 OF 2015:
TO DIRECT THE 2ND RESPONDENT TO REGISTER A CRIMINAL CASE AGAINST THE ACCUSED BASED ON THE COMPLAINT DATED 27.12.2014 PREFERRED BY THE PETITIONER AND INVESTIGATE THE SAME AND TO TAKE ACTION AGAINST THE ACCUSED IN ACCORDANCE WITH LAW.

PRAYER IN CRL.OP((MD)NO.5707/2015: TO DIRECT THE RESPONDENT NO.2 TO REGISTER THE CASE ON THE PETITIONER'S COMPLAINT DATED 01/12/2014 AND PROCEED WITH THE SAME AS PER LAW WITHIN THE TIME FRAME FIXED BY THIS HONOURABLE COURT.

PRAYER IN CRL OP(MD) NO.5709 OF 2015:
TO DIRECT THE 2ND RESPONDENT TO REGISTER THE CASE ON BASIS OF THE COMPLAINT GIVEN BY THE PETITIONER DATED 03.10.2014 AND INVESTIGATE THE CASE ACCORDANCE WITH LAW.

For Petitioner/Petitioners

: Mr.A.Rajkumar Sen in Crl.O.P.No.5646/2015

<https://hcservices.ecourts.gov.in/Hcservices/> : Mr.S.Gokul Raj in Crl.O.P.No.5649/2015

: Mr.M.Asaithambi in Crl.O.P.No.5675/2015

: Mr.S.Pon Senthil Kumaran in Crl.O.P.No.5677/2015



: Mr.N.Karthik Kanna in Crl.O.P.No.5679/2015
: Mr.M.Asaitambi in Crl.O.P.No.5680/2015
: Mr.P.Venkata Subramanian in Crl.O.P.No.5681/2015
: Mr.T.A.Ebenezer in Crl.O.P.No.5683/2015
: Mr.V.Senthilkumar in Crl.O.P.No.5698/2015
: Mr.R.Mathiyalagan in Crl.O.P.No.5699/2015
: Mr.K.Baalasundharam in Crl.O.P.No.5701/2015
: Mr.G.Marimuthu in Crl.O.P.No.5702/2015
: Mr.K.Dinesh Babu in Crl.O.P.No.5704/2015
: Mr.D.Senthil in Crl.O.P.No.5707/2015
: Mr.R.Venkatesan in Crl.O.P.No.5709/2015

For Respondents in all Crl.O.Ps.

: Mr.K.V.Rajarajan

Government Advocate (Crl.side)

C O M M O N O R D E R

For the past two and a half months, this Court has been passing the following orders on petitions seeking registration of complaint:

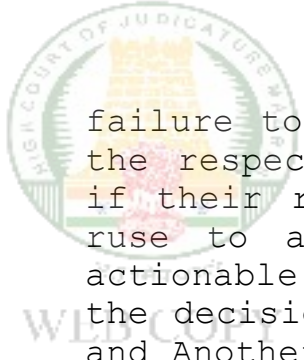
"By way of an interim order, this Court directs respondent police to peruse the complaint preferred by petitioner herein and register a case if the same informs commission of cognizable offence. In particular instances, respondent police may resort to a petition enquiry which again shall not extend beyond a period of one week. This order is made towards effecting and ensuring compliance with the decision of the Apex Court in Lalita Kumari vs. Govt. of U.P. & others [2013 (4) Crimes 243 (SC)]. It is expected that respondent police will follow the dictate of the Apex Court in the aforesaid judgment in letter and spirit and not give room for any further action at the hands of this Court. In the event of respondent police not being in receipt of complaint allegedly preferred before them by petitioner, it would always be open for respondent police to inform such position at the next hearing date.

Post after two weeks."

Despite the same, we note that generally, action of the respondents have been more in the breach than in observance.

2. The matter is one of grave concern. Despite the decision of the Apex Court in Lalita Kumari vs. Govt. of U.P. & Others (2013 (4) Crimes 243 (SC)) and despite the repeated direction of this Court requiring action of respondent police, the respondent police ever so often, are found to conduct themselves with gay abandon.

3. This Court, therefore, directs the respondents to strictly follow the decision of the Apex Court in Lalita Kumari vs. Govt. of U.P. & Others (2013 (4) Crimes 243 (SC)) and register cases without fail, where reading of the complaint informs cognizable offences. Their



failure to do so would be actionable in contempt at the hands of the respective petitioners. Respondent Police may also note that if their resorting to conduct of petition enquiry, is seen as a ruse to avoid the registration of a case, the same would be actionable in contempt. We would also add a word in caution that the decision of the Apex Court in Arnesh Kumar vs. State of Bihar and Another reported in (2014) 3 MLJ (Cr1) (SC) scrupulously is to be followed. Such decision in paragraph Nos.9, 14 and 15, inform thus:

"9. From a plain reading of the aforesaid provision, it is evident that a person accused of offence punishable with imprisonment for a term which may be less than seven years or which may extend to seven years with or without fine, cannot be arrested by the police officer only on its satisfaction that such person had committed the offence punishable as aforesaid. Police officer before arrest, in such cases has to be further satisfied that such arrest is necessary to prevent such person from committing any further offence; or for proper investigation of the case; or to prevent the accused from causing the evidence of the offence to disappear; or tampering with such evidence in any manner; or to prevent such person from making any inducement, threat or promise to a witness so as to dissuade him from disclosing such facts to the Court or the police officer; or unless such accused person is arrested, his presence in the court whenever required cannot be ensured. These are the conclusions, which one may reach based on facts. Law mandates the police officer to state the facts and record the reasons in writing which led him to come to a conclusion covered by any of the provisions aforesaid, while making such arrest. Law further requires the police officers to record the reasons in writing for not making the arrest. In pith and core, the police office before arrest must put a question to himself, why arrest? Is it really required? What purpose it will serve? What object it will achieve? It is only after these questions are addressed and one or the other conditions as enumerated above is satisfied, the power of arrest needs to be exercised. In fine, before arrest first the police officers should have reason to believe on the basis of information and material that the accused has committed the offence. Apart from this, the police officer has to be satisfied further that the arrest is necessary for one or the more purposes envisaged by sub-clauses (a) to (e) of clause (1) of Section 41 of Cr.P.C.

14. Our endeavour in this judgment is to ensure that police officers do not arrest accused unnecessarily and Magistrate do not authorize detention casually and mechanically. In order to ensure what we have observed above, we give the following direction:

- (1) All the State Governments to instruct its police officers not to automatically arrest when a case under Section 498-A of the Indian Penal Code is registered but to satisfy themselves about the necessity for arrest under the parameters laid down above flowing from Section 41, Cr.PC;



(2) All police officers be provided with a check list containing specified sub-clauses under Section 41(1)(b)(ii);

(3) The police officer shall forward the check list duly filed and furnish the reasons and materials which necessitated the arrest, while forwarding/producing the accused before the Magistrate for further detention;

(4) The Magistrate while authorising detention of the accused shall peruse the report furnished by the police officer in terms aforesaid and only after recording its satisfaction, the Magistrate will authorise detention;

(5) The decision not to arrest an accused, be forwarded to the Magistrate within two weeks from the date of the institution of the case with a copy to the Magistrate which may be extended by the Superintendent of police of the district for the reasons to be recorded in writing;

(6) Notice of appearance in terms of Section 41A of Cr.PC be served on the accused within two weeks from the date of institution of the case, which may be extended by the Superintendent of Police of the District for the reasons to be recorded in writing;

(7) Failure to comply with the directions aforesaid shall apart from rendering the police officers concerned liable for departmental action, they shall also be liable to be punished for contempt of court to be instituted before High Court having territorial jurisdiction.

(8) Authorising detention without recording reasons as aforesaid by the judicial Magistrate concerned shall be liable for departmental action by the appropriate High Court.

15. We hasten to add that the directions aforesaid shall not only apply to the cases under Section 498-A of the I.P.C. or Section 4 of the Dowry Prohibition Act, the case in hand, but also such cases where offence is punishable with imprisonment for a term which may be less than seven years or which may extend to seven years; whether with or without fine.

4. Accordingly, these petitions are ordered as above.

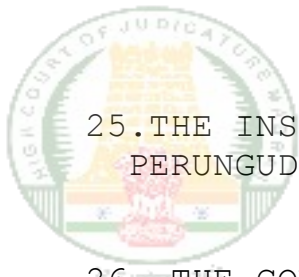
Sd/-

Assistant Registrar(T&P)



TO

1. THE SUPERINTENDENT OF POLICE,
KANYAKUMARI DISTRICT.
2. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
NAGERCOIL, KANYAKUMARI.
3. THE SUPERINTENDENT OF POLICE, KARUR DISTRICT, KARUR.
4. THE INSPECTOR OF POLICE
KULITHALAI POLICE STATION, KULITHALAI ,
KARUR DISTRICT
5. THE SUPERINTENDENT OF POLICE, SIVAGANGAI DISTRICT SIVAGANGAI.
6. THE INSPECTOR OF POLICE
TOWN POLICE STATION DEVAKOTTAI SIVAGANGAI DISTRICT.
7. THE DEPUTY COMMISSIONER OF POLICE CRIME BRANCH MADURAI CITY
8. THE INSPECTOR OF POLICE. THEPAKULAM POLICE STATION MADURAI.
9. THE INSPECTOR OF POLICE
KARAIKUDI NORTH POLICE STATION, SIVAGANGAI DISTRICT.
10. THE INSPECTOR OF POLICE, KARUR TOWN POLICE STATION
KARUR
11. THE SUPERINTENDENT OF POLICE, TIRUNELVELI DISTRICT.
12. THE INSPECTOR OF POLICE, VASUDEVANALLUR POLICE STATION
TIRUNELVELI DISTRICT
13. THE SUPERINTENDENT OF POLICE, MADURAI DISTRICT, MADURAI
14. THE INSPECTOR OF POLICE, OTHAKADAI POLICE STATION
MADURAI DISTRICT.
15. THE SUB INSPECTOR OF POLICE
OTHAKADAI POLICE STATION, MADURAI DISTRICT.
16. THE INSPECTOR OF POLICE
KUNDARAKKUDI POLICE STATION , SIVAGANGAI DISTRICT.
17. THE SUPERINTENDENT OF POLICE, PUDUKKOTTAI, PUDUKKOTTAI DISTRICT
18. THE DEPUTY SUPERINTENDENT OF POLICE PUDUKKOTTAI
PUDUKKOTTAI DISTRICT.
19. THE INSPECTOR OF POLICE, GANESH NAGAR POLICE STATION
PUDUKKOTTAI.
20. THE SUPERINTENDENT OF POLICE
VIRUDHUNAGAR DISTRICT, VIRUDHUNAGAR.
21. THE DEPUTY SUPERINTENDENT OF POLICE RAJAPALAYAM
VIRUDHUNAGAR DISTRICT.
22. THE INSPECTOR OF POLICE
RAJAPALAYAM NORTH POLICE STATION
RAJAPALAYAM VIRUDHUNAGAR DISTRICT
23. THE SUPERINTENDENT OF POLICE
KANYAKUMARI DISTRICT AT NAGERCOIL.
24. THE INSPECTOR OF POLICE
PUTHUKADAI POLICE STATION PUTHUKADAI ,
KANYAKUMARI DISTRICT.



25. THE INSPECTOR OF POLICE, PERUNGUDI POLICE STATION,
PERUNGUDI, MADURAI

26. THE COMMISSIONER OF POLICE
TIRUNELVELI DISTRICT TIRUNELVELI.

27. THE SUB INSPECTOR OF POLICE
TIRUNELVELI MEDICAL COLLEGE HOSPITAL POLICE STATION
TIRUNELVELI DISTRICT.

28. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+One cc to Mr.A.Rajkumar Sen, Advocate, SR.No.15622

+One cc to Mr.P.Venkatasubramanian, Advocate, SR.No.15865

+One cc to Mr.T.A.Ebenezer, Advocate, SR.No.16153

+One cc to Mr.K.Balasundharam, Advocate, SR.No.16140

+One cc to Mr.K.Dinesh Babu, Advocate, SR.No.16046

+2ccs to M/S.M.ASAITHAMBI, Advocate, SR.Nos.15764 and 15765

pjl/ses

RL/36c - 10/4/2015

Crl.O.P. (MD) Nos.5646,5649,5675,5677,5679,5680,5681,
5683,5698,5699,5701,5702,5704,5707 and 5709 of 2015

30.03.2015