

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP No.13414 of 2016

R.Prakash Chandra

... Petitioner

Vs

The State

Rep. by Inspector of Police,
E4, Abiramipuram Police Station
Chennai.

... Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C. to pass an order directing the respondent police to register a case on the complaint given by the petitioner dated 06.04.2016 and investigate the matter and file a final report before the concerned court within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.A.Balasingh Ramanujam

For Respondent : Mr.C.Emalias,
Addl.Public Prosecutor

O R D E R

This petition has been filed to pass an order directing the respondent police to register a case on the complaint given by the petitioner dated 06.04.2016 and investigate the matter and file a final report before the concerned court within the time stipulated by this Hon'ble Court.

2. On 11.07.2016, this Court passed the following order:

"This Criminal Original Petition has been filed praying to direct the respondent to register a case, on the complaint dated 06.04.2016, given by the petitioner and to investigate the same and file a final report.

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

3.When the matter is taken up for hearing, the learned Additional Public Prosecutor submitted that on the complaint given by the petitioner, petition enquiry was conducted and closed on 30.06.2016 as civil in nature and further advised the parties not to create any law and order problem.

4.However, on a reading of the complaint, there are two components, of which, one relates to the payment that has to be made to the petitioner by the opposite party, which is of course civil in nature and police cannot interfere. The second component is that, it is alleged by the petitioner that on 03.03.2016, the petitioner was illegally detained by the opposite party for about two hours, which requires to be enquired into. Hence, the respondent - police is directed to conduct enquiry and file a status report with regard to that, within two weeks.

Post on 25.07.2016."

2.Pursuant to the order passed by this Court, Mr.G.Prabhu, Inspector of Police, E4, Abiramapuram Police Station has filed a status report wherein, it is stated as follows:-

"I submit that subsequently, the petitioner herein filed a direction petition before this Hon'ble High Court in Crl.O.P.No.13414 of 2016 praying to direct the respondent police to register a case on the complaint given by the petitioner dated 06.04.2016. When the above matter came up for hearing on 11.07.2016, this Hon'ble High Court was pleased to pass the following order:

"However, on a reading of the complaint, there are two components, of which one relates to the payment that has to be made to the petitioner by the opposite party, which is of course civil in nature and police cannot interfere. The second component is that, it is alleged by the petitioner that on 03.03.2016, the petitioner was illegally detained by the opposite party for about two hours, which requires to be enquired into"".

I submit that based on the direction of

this Hon'ble High Court, I have enquired the following witnesses viz.,

1. Tr.R.Prakash Chandra - petitioner.
2. Tr.Rajendran Sabanayagam - counter petitioner.
3. Tr.Bharath - Architect.
4. Tr.Ashwin Sabanayagam
5. Tr.Rakesh Kumar - Site engineer
6. Tr.Ramesh Chandra - petitioner's labour
7. Selvi Shalini - petitioner's daughter
8. Tr.Rajamani - staff of counter petitioner.

Witnesses No.1 corroborated the same version in the complaint.

The statement of the other witnesses reveals that a meeting was conducted in the said premises in which discussed that some wardrobes were found missing, later the same was traced by one Rajamani. But, there was no such occurrence took place as alleged by the petitioner in his petition. While go through the statement of the petitioner's daughter, she stated that while she entered in the said site, found that her father was sitting in the lobby area and never mentioned anywhere that her father was detained in dark room by the counter petitioner. The statement of the labour of the petitioner also reveals that the counter petitioner was not beaten him as well as the petitioner and the petitioner was not detained illegally by the counter petitioner. The statement of the petitioner also reveals that the missing wardrobe handles were traced by Tr.Rajamani - staff of the counter petitioner".

3. Accepting the aforesaid report, this petition is closed with liberty to the petitioner to work out his remedy in the manner known to law.

-s/d-
Assistant Registrar (CS-VI)

True Copy

Sub-Assistant Registrar

mk/gms

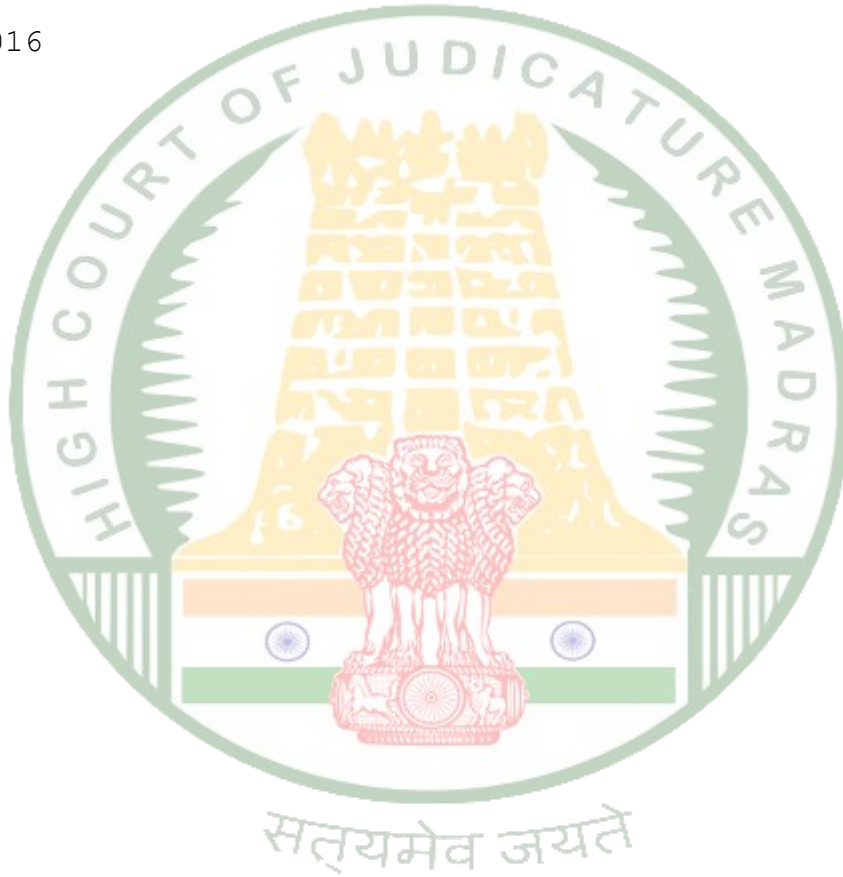
To

1.The Inspector of Police,
E4, Abiramipuram Police Station
Chennai.

2. Additional Public Prosecutor.

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