

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 02.06.2016
DELIVERED ON : 06.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cr1.O.P.No.1357 of 2016

Seetha

Petitioner

vs.

1 The Commissioner of Police
Salem City
Salem District

2 Nagarajan
S/o not known
Inspector of Police
Ammamet Police Station
Salem District

Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to the first respondent to consider the petitioner's representation dated 24.12.2015 and investigate the same in accordance with law to secure the ends of justice.

For petitioner Mr. R. Sankarasubbu

For R1 Mr. C. Emalias
Additional Public Prosecutor

O R D E R

This petition has been filed seeking a direction to the first respondent to consider the petitioner's representation dated 24.12.2015 and investigate the same in accordance with law to secure the ends of justice.

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

3 It is the case of the petitioner that the second respondent had illegally arrested her husband on 07.12.2015 and had demanded money from her for his release. Feeling aggrieved, the petitioner gave a representation dated 24.12.2015 to the Commissioner of Police, Salem, alleging that the second respondent, working as Inspector of Police, Ammapet Police Station, had arrested her husband illegally on 07.12.2015 and had demanded bribe from her for releasing him. She has also made other allegations against the second

respondent. Thereafter, she has filed the present Criminal Original Petition for a direction, as aforesaid.

4 The second respondent has filed counter, wherein, it has been stated in paragraph nos.4 to 7 as under:

"4. I submit that on the complaint of Tr.Sankar, the accused Ramesh, Manikandan and Ashok were arrested by Tr.M. Angappan, Sub Inspector of Police on 07.12.2015 at 15.30 hours at Kamarajar Colony Junction near Kongu Kalyana Mandapam Ammapet. Then, the above said accused persons were produced before the Judicial Magistrate Court No.V, Salem, on 07.12.2015 and remanded to judicial custody at Central Prison, Salem.

5. I submit that on that time of occurrence i.e. 07.12.2015 which is mentioned by the petitioner in his representation, dated 24.12.2015, on that time, i.e., 07.12.2015, I have conducted the prevention of law and order and crime duty from 10 a.m. to 04.15 p.m. Then, on the same day 07.12.2015, from 7.12.2015 at 4.30 p.m to. I have visited Central Prison, Salem, to serve Goondas C.M.P. No.88 and 89/G/Salem City/2015, dated 07.12.2015 of the Accused Siva @ Sivakumar & Rooban respectively. Further, I deny the petitioner's representations, the accused Ramesh, Vimalraj and Ramesh (husband of the petitioner) were not arrested by me on 07.12.2015 at 11.30 hours at Court, Salem and also not demanded the money from the petitioner.

6. I submit that the petitioner's husband - Ramesh is involved in following cases:

Sl .N o.	Complainant's name	Police station Crime Nos.	Section of law	Stage of the case
1	Tr. Radhakrishnan S/o Boologanaidu Thathampatty, Salem	Veeranam P.S. Crime No.10 of 2004	u/s 302 of IPC	Acquittal
2	Tmt. Seetha (petitioner herein) W/o Ramesh MGR Nagar, Salem	Ammapet P.S. Crime No.424/2005	u/s307 IPC	Acquittal
3	Tr.Jone Deniton aged 36 years S/o Gnanaprakasam Thathampatti, Salem	Ammapet P.S. Crime No.664/2010	u/s 323, 324, 506 (ii) IPC	Acquittal

Sl .N o.	Complainant's name	Police station Crime Nos.	Section of law	Stage of the case
4	Tr.V.R. Selvaraj aged 29 years S/o Victor Raja Sooramangalam	Ammapet P.S. Cr. No.1821/2010	u/s 392 IPC	Pending Trial
5	Tr. Koteeswaran aged 56 years S/o Krishnasamy Mudhaliyar Seelanaickenpatti, Salem	Annadhanappatti Cr.No.198/2013	u/s 341, 170, 419, 379 @ 147, 148, 353, 341,170,3 95 r/w 397, 506 (ii) IPC	under investigati on
6	Tmt. Mani, aged 58 years W/o Nataraj North Krishnan Pudhur Salem	Veeranam P.S. Cr.No.251 of 2014	U/s Woman Missing @ 120(b), 364,302,2 01 IPC	Pending trial
7	Tr. Sankar aged 36 years S/o Balakrishnan Ammapet, Salem	Ammapet PS Cr.No.645/2015	u/s 387, 506 (i) IPC	The final report filed before the concerned court and the same is yet to be taken on file.
8	Tr. Allimuthu aged 44 years S/o Perumal Ammapet, Salem	Veeranam PS Cr.No.253/2014	U/s 341, 307,506 (ii) IPC	The final report filed before the concerned court and the same is yet to be taken on file
9		Valappadi PS Cr.No.200/2001	u/s147,44 8, 506(i) IPC	Acquittal

7 I submit that the petitioner's husband is a notorious rowdy, hence, the Ammapet Police Station is still maintaining the history sheet rowdy in H.S. No.210/2005. Hence, the petitioner's husband was under the surveillance of the police personnel."

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

5 At this juncture, it is felicitous to point out that

under the Code of Criminal procedure, there is no provision for the police officer to entertain representations and dispose them. In Ingaci vs. Commissioner of Devakottai Municipality, Sivaganga District [2010 (2) LW 785], a Division Bench of this Court, has categorically held that a direction to consider a representation to pass orders cannot be made as a matter of routine.

6 In this case, it is seen that the petitioner's husband is involved in several criminal cases and in order to deflect the course of investigation, the petitioner appears to have made such allegations against the Investigating Officer.

In the result, the petition is devoid of merits and the same stands dismissed.

Sd/-
Assistant Registrar(VI)

//True Copy//

Sub Assistant Registrar

cad
To

1 The Commissioner of Police
Salem City
Salem District

2 The Public Prosecutor
High Court of Madras
Chennai 600 104.

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RSI (CO)
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