

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.1369 of 2016

Mr.C.J. Fernandez

... Petitioner

Vs

1. The Director General of Police,  
Dr. Radha Krishnan Salai,  
Mylapore, Chennai 600 004.

2. The Commissioner of Police,  
EVK Sampath Road,  
Veppery, Chennai 600007.

3. The Superintendent of Police,  
Villupuram 605 602.

4. The Inspector of Police,  
Thatchur Police Station,  
Kallakurichi District 606 202.

.... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction to register an FIR on the basis of the complaint dated 15.11.2015 given by the petitioner to the respondents and investigate the matter in accordance with law.

For Petitioner : Mr.S.Rajendrakumar

For Respondent : Mr.C. Emalias  
Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed seeking a direction directing the respondents to register an FIR on the basis of the complaint dated 15.11.2015 given by the petitioner to the respondents and investigate the matter in accordance with law.

2.In the petition, it was stated that on 1.11.2015 at 10.15 a.m., the petitioner was informed over phone that his brother Seteven Condred Fernandez died in Kallakurichi due to

massive heart attack and his body was brought by his wife to Chennai for funeral. The petitioner was shocked to find that there was a head injury in the dead body of his brother. Immediately, he compelled them to lodge a complaint, but his brother's wife and his sons were not responding to the same and stated that the deceased had fallen down due to massive heart attack and hence the deceased sustained head injury. Thereafter, his brother's body was buried at Kilpauk cemetery on 2.11.2015. It was further stated that when the deceased brother participated in his sister in law's birthday in the month of October 2015 at Chennai, he told him that he was undergoing one serious issue with one person namely Nixon at Kallakurichi, so he wants to come back and settle down in Chennai after settling that issue and the petitioner's brother's wife was also silent without disclosing anything about the said serious issue. Hence suspecting the mystery surrounding the death of his brother, the petitioner lodged a complaint on 15.11.2015 before the 4<sup>th</sup> respondent. Though the complaint was given on 15.11.2015, till date, no action was taken by the respondent police to register the complaint given by the petitioner.

3. Learned counsel for petitioner submitted that though the complaint was lodged on 15.11.2015, till date, the respondent police has not registered any case on his complaint. Hence, the present criminal original petition has been filed.

4. Heard the learned Addl. Public Prosecutor appearing for the respondents.

5. Considering the facts and circumstances of this case, this Court directs the 4<sup>th</sup> respondent to conduct an enquiry on the complaint dated 15.11.2015 given by the petitioner. Upon enquiry, if materials are gathered indicating any cognizable offence, he shall proceed further in accordance with law as early as possible. If no prima facie case is made out for investigation, the the 4<sup>th</sup> respondent is directed to pass appropriate order on the complaint.

6. This criminal original petition is disposed of accordingly.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

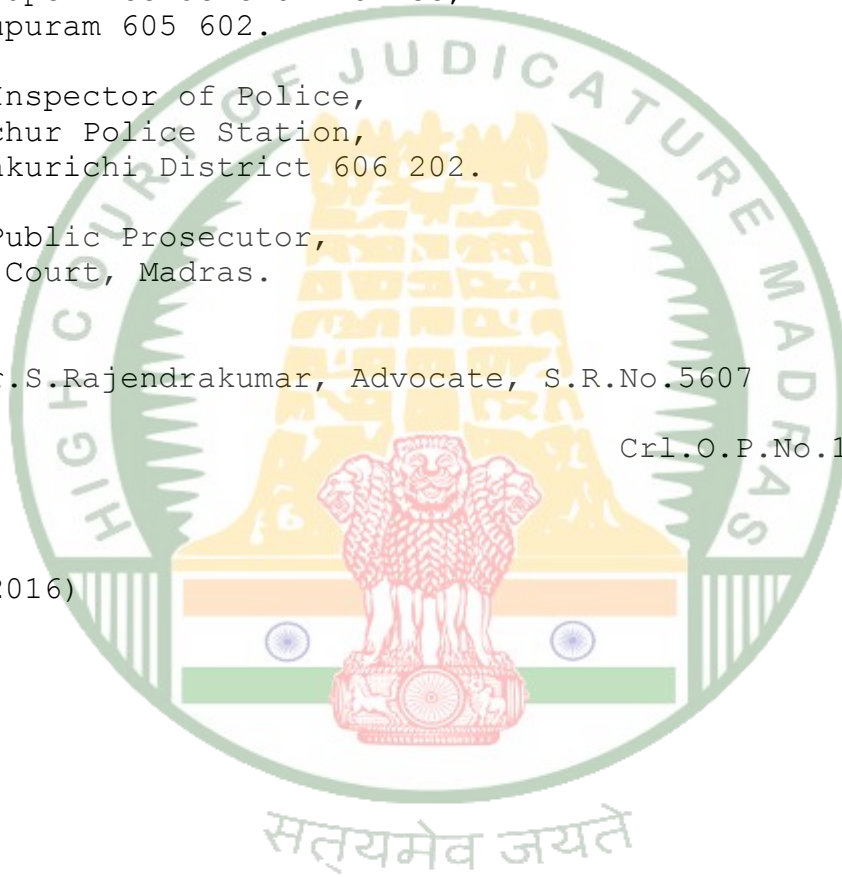
To

1. The Director General of Police,  
Dr. Radha Krishnan Salai,  
Mylapore, Chennai 600 004.
2. The Commissioner of Police,  
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Veppery, Chennai 600007.
3. The Superintendent of Police,  
Villupuram 605 602.
4. The Inspector of Police,  
Thatchur Police Station,  
Kallakurichi District 606 202.
5. The Public Prosecutor,  
High Court, Madras.

+1cc to Mr.S.Rajendrakumar, Advocate, S.R.No.5607

CrI.O.P.No.1369 of 2015

VD(CO)  
JD(12/02/2016)



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