

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.07.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

CrI.OP No.14176 of 2016

G.Baskaran

.. Petitioner/Complainant

Vs

1.The Superintendent of Police
Jaya Nagar, Thiruvallur Dt.

2.The Inspector of Police
Muthapudupet Police Station
Avadi,Thiruvallur District.

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the respondents to secure the accused persons in Cr.No.129 of 2016 pending on the file of the respondent police.

For Petitioner : Mr.R.Sreedhar

For respondents : Mr.C.Emalias
Addl.Public Prosecutor

O R D E R

This petition has been filed to direct the respondents to secure the accused persons in Cr.No.129 of 2016 pending on the file of the respondent police.

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

3. It is seen that on the complaint given by the petitioner, the respondent police have registered a case in Cr.No.129/2016 for offences u/s 448, 324 and 506(ii) IPC. It is the grievance of the petitioner that the respondent police have not arrested the accused, despite the fact that the FIR was registered on 19.03.2016.

4. In the considered opinion of this Court, a positive direction to the respondent police to arrest an accused cannot be issued u/s 482 Cr.P.C. in the light of the judgment of the

Supreme Court in Joginder Kumar vs. State of Uttar Pradesh [1994 SCC (4) 260], wherein the Supreme Court has clearly held that the power to arrest and the necessity to arrest is a different thing. However, the respondent police is directed to thoroughly conduct the investigation and take action in accordance with law.

With the above direction, this petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

gms

To

1.The Superintendent of Police
Jaya Nagar, Thiruvallur Dt.

2.The Inspector of Police
Muthapudupet Police Station
Avadi, Thiruvallur District.

3.The Public Prosecutor,
High Court, Madras.

Crl.OP No.14176 of 2016

pvs[col]
srg 11/08/2016

सत्यमेव जयते

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