

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.1633 of 2016

M.Sonnappa

..Petitioner

Vs

1. Superintendent of Police,
Krishnagiri,
Krishnagiri District.

2. The Inspector of Police,
Bagalur Police Station,
Bagalur.

..Respondents

Criminal Original Petition file under Section 482 Cr.P.C. seeking direction to the 2nd respondent to register a case on petitioner's complaint dated 15.05.2015 and investigate the case in accordance with law.

For Petitioner : Mr.T.Sathiyamoorthy
For Respondents : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed seeking direction to the 2nd respondent-police to register a case on the basis of the complaint given by the petitioner dated 15.05.2015 and investigate the same in accordance with law.

2. The case of the petitioner is that on 07.12.2014 one Rajappa, Venkatesappa, Nanjappa, his wife Nanjamma, Vasu and his wife Yasodamma and others came in three cars to the petitioner's house and entered into the petitioner's house and attacked the petitioner. Hence, the petitioner lodged a complaint before the 2nd respondent police. But, till date no action was taken. Again, on 09.12.2014 around 2.30 p.m., when the petitioner and his brother were going to the All Women Police Station for enquiry, uncle of the petitioner's wife came in Scorpio vehicle and took them to the police station with the help of one Murugan, who is a Police Constable and beat them severally in the police station and thereafter, they took all the jewels of the petitioner. Hence, again the petitioner lodged a complaint before the 2nd respondent-police. But, till

date no action was taken. Thereafter, when the petitioner went to attend the proceeding in C.M.A.No.4 of 2015 pending on the file of the Principal District Court, Krishnagiri, the petitioner's wife and others tried to kill the petitioner by engaging a rowdy element. Hence, the petitioner lodged a complaint on 15.05.2015 before the 2nd respondent. On receipt of the same, C.S.R.No.92 of 2015 has been assigned. But, till date no action was taken on the said complaint. Hence, the petitioner has come forward with the present criminal original petition.

3.The learned Additional Public Prosecutor submitted that this is a case of family dispute between the parties. However, on receipt of the complaint of the petitioner, C.S.R.No. 92 of 2015 has been assigned and the matter is pending for enquiry.

4.I have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

5.In view of the submissions made on either side, this Court directs the 2nd respondent-police to conduct an enquiry on the basis of the complaint given by the petitioner, dated 15.05.2015 in C.S.R.No.92 of 2015 and upon enquiry, if materials are gathered indicating commission of any cognizable offence, the 2nd respondent-police is directed to proceed further in accordance with law, as early as possible. If no prima facie case has been made out, the 2nd respondent-police is at liberty to pass appropriate order on the complaint given by the petitioner.

6. This criminal original petition is disposed of accordingly.

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s/d-
Assistant Registrar (CS-VI)

True Copy

Sub-Assistant Registrar

To

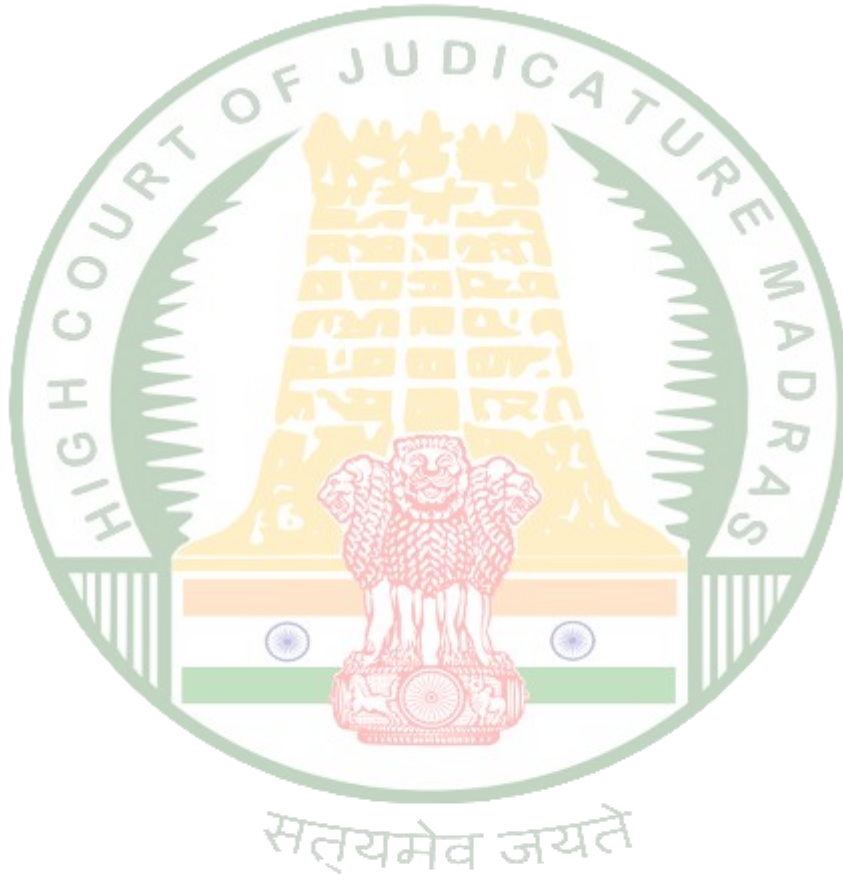
1. The Superintendent of Police,
Krishnagiri,
Krishnagiri District.
2. The Inspector of Police,
Bagalur Police Station,
Bagalur.

3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to M/s.T.Sathiyamoorthy, Advocate SR 5339

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