

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.11.2016

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

CrI.O.P.No.17122 of 2016

The Church of South India
represented by its Chairman
Rev.H.Chella Rajan

....Petitioner

Vs.

1. The Superintendent of Police
Coimbatore - Rural
Ramnagar, Coimbatore-9.

2. The Inspector of Police Station
Kovilpalayam Police Station,
Kovilpalayam Post, Coimbatore.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C to direct an I.P.S. Officer such as Mr.Asra Garg - Administration, Chennai to hold an impartial enquiry at Coimbatore for the required time and submit a report to this Hon'ble Court based on the reference dated 15.03.2016 put an end to this disturbing issue to bring closure and provide the Church the right to repair the broken areas that was done by the anti-social elements.

For Petitioner : Ms.Renuka T

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

This criminal original petition has been filed to direct an I.P.S. Officer such as Mr.Asra Garg - Administration, Chennai to hold an impartial enquiry at Coimbatore for the required time and submit a report to this Hon'ble Court based on the reference dated 15.03.2016 and put an end to the disturbing issue and

provide the Church, the right to repair the broken areas that was done by the anti-social elements.

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

3. It is the case of the petitioner that the petitioner is running a church and that has been vandalized by anti-social elements and therefore, the petitioner is before this Court to appoint Mr.Asra Garg - Administration, Chennai as an Investigation Officer to conduct investigation.

4. In the considered opinion of this Court, the said direction cannot be issued under Section 482 Cr.P.C. In State of Punjab vs. Davinder Pal Singh Bhullar and others [(2011) 14 SCC 770], the Supreme Court has clearly held that Section 482 Cr.P.C. can be invoked with respect to matters that are pending on the file of any Court subordinate to High Court and not before administrative authorities.

5. Learned Additional Public Prosecutor submitted that pursuant to the complaint given by the petitioner, the 2nd respondent police registered a case in Crime No.74 of 2016 against the attackers on 12.03.2016 and the investigation is pending. That apart, the police have also initiated proceedings under 107 Cr.P.C in Crime No.74 of 2016 and the same is pending before the Revenue Divisional Authorities, Coimbatore and that the petitioner are not co-operating with the investigation.

6. Learned counsel appearing for the petitioner refuted the allegations and submitted that they are ready and willing to co-operate with the investigation.

7. Accordingly, the petitioner is directed to co-operate with the investigation under Section 107 Cr.P.C. and work out his remedy in the manner known to law.

With the above direction, this petition is closed.

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-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

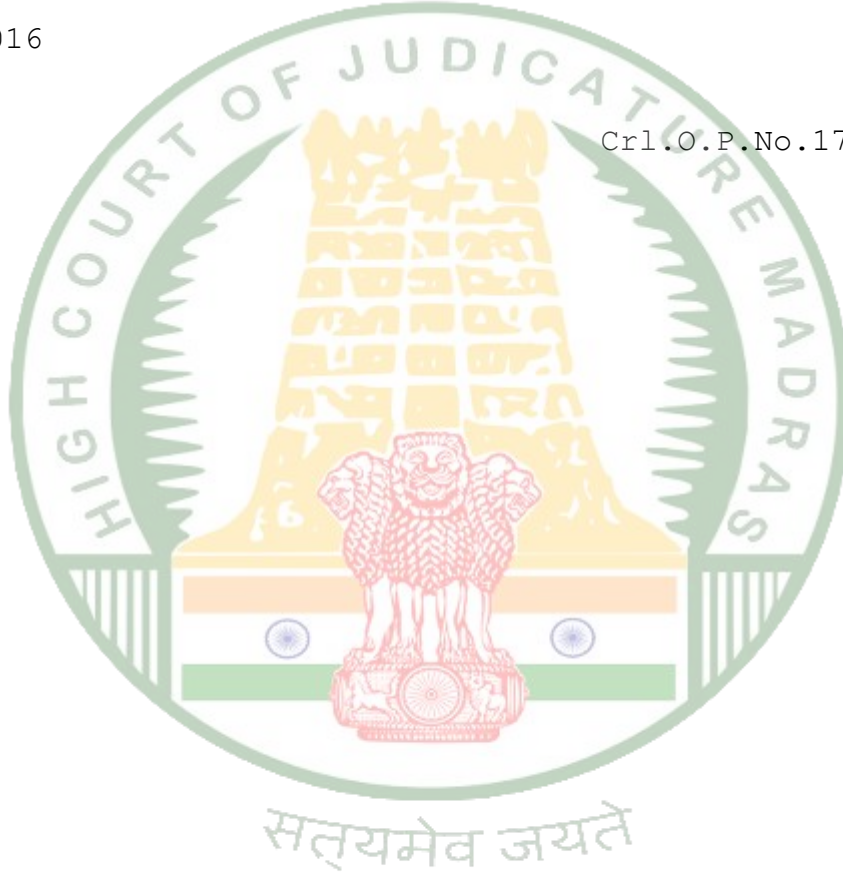
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To

1. The Superintendent of Police
Coimbatore - Rural
Ramnagar, Coimbatore-9.
2. The Inspector of Police Station
Kovilpalayam Police Station,
Kovilpalayam Post, Coimbatore.
3. The Public Prosecutor, High Court, Madras.

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Crl.O.P.No.17122 of 2016



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