

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :28.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Crl.O.P.No.1732 of 2016

Manikandan

... Petitioner

Vs

State by

Inspector of Police,
Perambur Police Station,
Nagapattinam District.

... Respondent

Criminal Original Petition is filed under Section 482 Cr.P.C. seeking a direction to the respondent herein viz. The Inspector of Police, Perambur Police Station, Nagapattinam District, to register the complaint dated 19.01.2016 and file a final report in accordance with law and to give police protection to the petitioner's family.

For Petitioner : Mr.K.Balu

For Respondent : Mr.C.Emalias

Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed seeking direction to the respondent-police to register a case based on the complaint given by the petitioner dated 19.01.2016, file a final report in accordance with law and give police protection to the petitioner's family.

2.The case of the petitioner is that tension was prevailing in the petitioner's village due to communal clash at the instance of the anti-social elements. On 13.01.2016 at 1.40 p.m., some anti-social elements had come to the petitioner's house and took video-graph of his house and since the petitioner was not present, he escaped from the attack planned by them. When the petitioner verified the video footage, he came to know that the hooligans viz., Nedumaran, Mansingh and his hench-men have noted the petitioner's house and that on the instigation of the local rowdy elements, in order to create a communal riot. The act of the anti-social elements endanger the life of the

general public and their aim is to eradicate the petitioner from the village. Hence, the petitioner lodged a complaint before the respondent police. Since no action was taken so far, the petitioner has come forward with the present criminal original petition.

3.The learned Additional Public Prosecutor submitted that the allegation made by the petitioner is a fake and no cognizable offence has been made out. However, on receipt of the complaint of the petitioner, C.S.R.No.20 of 2016 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 respondent.

5. In view of the submissions made on either side, this Court directs the respondent-police to conduct enquiry on the basis of the complaint given by the petitioner dated 19.01.2016 in C.S.R.No.20/2016 and upon enquiry, if materials are gathered indicating commission of any cognizable offence, the 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 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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Sd/-

Assistant Registrar (CS III)

/TRUE COPY/

Sub-Assistant Registrar

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To

1.The Inspector of Police,
Perambur Police Station,
Nagapattinam District.

2.The Public Prosecutor,
High Court, Madras.

+1CC to MR.K.BALU Advocate SR.NO.5169

CrI.O.P.No.1732 of 2016

NM[CO]

MK : 11/02/2016



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