

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.28633 of 2015

Tamil Nadu Soft Tennis Association

Rep. By its General Secretary,

M.Sembannan,

Office at No.2/94,

Geetha Nagar,

Salem Steel Plant, Salem.

... Petitioner

Vs

1. The Additional Director General of Police,
Santhome, Office of the Director General of Police,
Santhome, Chennai.

(*)2.The Commissioner of Police,
Salem City, Salem.

(*)3.The Assistant Commissioner of Police,
Salem West Crime, Salem City, Salem. Respondents

Criminal Original Petition filed under Section 482
Cr.P.C. seeking a direction to the second respondent to
register the case on the petitioner's complaint dated 20.07.2015
as against the accused persons for proper and fair enquiry.

For Petitioner : Mr.G.K.Elanthiraiyan
for M/s.Sai Bharath and Ilan

For Respondents : Mr.C.Emalias
Additional Public Prosecutor

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O R D E R

The present criminal original petition has been filed
to direct the second respondent to register the case on the
petitioner's complaint dated 20.07.2015.

2. The petitioner's Association, which is conducting
the game of Soft Tennis, is affiliated to Amateur Soft Tennis
Federation of India, situated at Gujarat and the same was

recognized by the Ministry of Youth Affairs and Sports, Government of India. The said Amateur Soft Tennis Federation of India is affiliated to the International Soft Tennis Federation, Japan. The petitioner's Association is registered under the Societies act by the Registrar, Chennai Central and it is periodically renewed. The office of the petitioner's Association is functioning at Salem. Now, the petitioner's Association was recognized by the Sports Development Authority of Tamilnadu and the purpose of recognition is for the selection of candidates to professional courses in Tamil Nadu under the sports quota. While being so, a communication was issued by the Amateus Soft Tennis Federation of India with regard to the "14th China Cup International Soft Tennis Championship" at Wuhan, China from June 19 to 26, 2015. As per the said communication, Mr. Dathathri, who was the General Secretary of the petitioner's Association, issued a letter dated 05.04.2015 to all the District Secretaries and informed that the selection would be held on 25.04.2015 from 8.00 a.m. onwards at Tennis Sports St.John's Matriculation Higher Secondary School, Salem- 16. Thereafter, by a letter dated 20.04.2015, he informed to all District Secretaries that the selection of Soft Tennis Players to be held on 25.04.2015 was postponed due to unavoidable circumstances. On the other hand, he issued selection letter on 05.04.2015 to 7 players, namely, M.Suriya Sai, M.Pavithra Sai, S.Saravanan, Leaner Josua, P.K.Tharun, P.K.Varun and Prinity Srivastav to participate in the "14th China Cup International Soft Tennis Championship" at Wuhan, China. Without conducting any selection process among the players, he himself, on his own selected unqualified players, with the help of Amateur Soft Tennis Federation of India and they participated in the tournament along with one Bhavani, who is none other than the mother of two players. The Amateur Soft Tennis Federation of India, Gujarat has also conspired together with the accused person and sent the team to China. The Indian Team has not won any one of the game in Soft Tennis.

3. After returning to India, the accused created forged certificates as it were issued by Chinese Soft Tennis Association, Jingshan Association dated 18.06.2015, as if they got 3rd place in the Tournament and informed to the petitioner's Association as well as the Amateur Soft Tennis Federation of India and Sports Development Authority of Tamilnadu. He also convened Felicitation function by inviting higher officials of Police Department and issued certificates. The tournament itself was held between 19.06.2015 and 26.06.2015. Therefore, all the certificates issued by the accused are found to be forged one. Hence, the petitioner lodged a complaint with the second respondent on 20.07.2015. Almost 6 months have lapsed, but, till date no action was taken on the said complaint. Hence, the present criminal original petition has been filed.

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

5. The learned Additional Public Prosecutor submitted that the second respondent says that since the Felicitation function was held at Chennai, the complaint has to be lodged only at Chennai thus opposed for giving direction. But, the learned counsel for the petitioner denies the same and submitted that as the certificates were fabricated only at Salem, the complaint has been lodged at Salem.

6. In view of the submissions made on either side, this Court directs the third respondent to conduct enquiry on the complaint of the petitioner and upon enquiry, if materials are gathered indicating commission of any cognizable offence, he is directed to proceed further in accordance with law, as early as possible. If no prima facie case is made out for registering the FIR, the third respondent is directed to pass an appropriate order on the said complaint.

7. This criminal original petition is disposed of accordingly.

mrp

s/d-
Assistant Registrar(CS-V)
Dt:8.1.2016

(*) Amended as per order of this Court
in CrI.MP.No.1735 of 2016 in
CrI.O.P.No.28633 of 2015 dt.
17.2.2016.

s/d-
Assistant Registrar(CS-III)
Dt: 22.2.2016

True Copy

Sub-Assistant Registrar

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To

1. The Additional Director General of Police,
Office of the Director General of Police,
Santhome, Chennai.

(*)2.The Commissioner of Police,
Salem City, Salem.

(*)3.The Assistant Commissioner of Police,
Salem West Crime, Salem City, Salem.

4. The Public Prosecutor, High Court, Madras.

+ 1 cc to M/s.Sai Bharath & Ilan, Advocate SR 433

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Order to be
substituted
for the order
already
despatched
on 11.1.2016

Cr1.O.P.No.28633 of 2015



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