

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.30425 of 2015

M.Iyyappan

... Petitioner

Vs

1.The Superintendent of Police,
Office of the Superintendent of Police,
Kancheepuram,
Kancheepuram District.

2.The State,
The Inspector of Police,
C-1, Thirupperumbudhur Police Station,
Kancheepuram District.

... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the first respondent to register a case based on the petitioner's complaint dated 15.09.2015 against the said person pending on the file of the respondents in accordance with law by deputing competent authority.

For Petitioner : Mr.S.Gopi

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor.

O R D E R

This petition has been filed to direct the first respondent to register a case based on the petitioner's complaint dated 15.09.2015 pending on the file of the respondents in accordance with law.

2. The case of the petitioner is that the petitioner is running a company in the name and style, M/s. R.I. Enterprises and dealing with resale of wood, iron and aluminium as scrap merchant by purchasing the said waste materials from M/s.Dongsan Automotive India Pvt. Ltd., to his customers on their requirements. The petitioner is having necessary permission and certificates from the authorities concerned to run such business and paying necessary tax to the authorities every

year without any delay or default. While so, on 2.4.2015, one Murugaiyan, Security and Legal Consultant of M/s. PHA Pvt. Ltd., Company, has lodged a false complaint with the 2nd respondent stating that the petitioner had stolen 120 tones of waste scrap materials from their company through his vehicle bearing registration Nos. TN-21-E-6664 and TN-20-AX-9150. On 2.4.2015 about 1.00 hour, the 2nd respondent by name, Mr.Balu along with Sub-Inspector of Police and one Mr.Viswanathan, Police Constable and 30 unknown others came to the petitioner's residence and towed the said two vehicles forcibly by using their two scorpio and have also taken the petitioner to their custody. The petitioner was put in a dark room in a lodge and was brutally assaulted by them. Subsequently, the said officials called the father of the petitioner and demanded a sum of Rs.5,50,000/- for the release of the petitioner from the said false complaint. Even after giving the said amount, the petitioner has been falsely implicated in the said case. Hence, the petitioner has lodged a complaint on 15.9.015. Since no action was taken so far, the present petition has been filed.

3. Heard, the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4. Learned Additional Public Prosecutor submitted that the petitioner is an accused in a case in Crime No.208 of 2015 and with a false allegation he has come forward with the present petition and hence, he opposed the above direction.

5. Considering the facts and circumstances of the case, this Court is of the opinion that this Court cannot give a direction as prayed for since the petitioner is an accused in Crime No.208 of 2015. Therefore, this Court is not inclined to entertain this petition. Hence, the criminal original petition is dismissed. However, the petitioner is at liberty to work out his remedy in the manner known to law.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

To

1.The Superintendent of Police,
Office of the Superintendent of Police,
Kancheepuram,
Kancheepuram District.

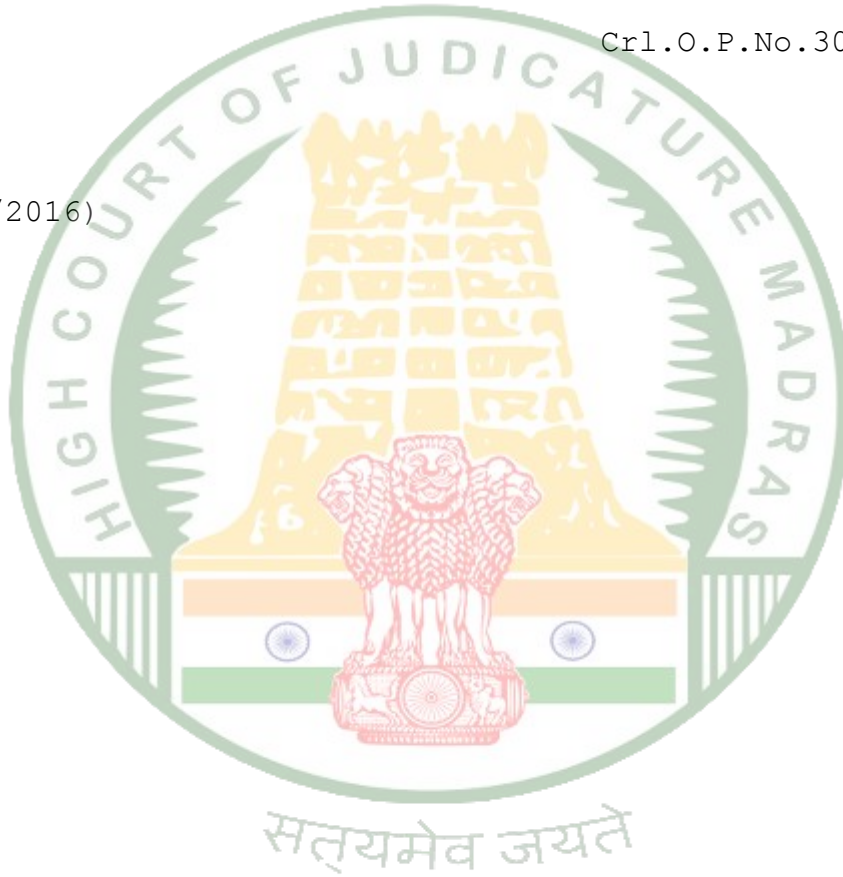
2.The State,
The Inspector of Police,
C-1, Thirupperumbudhur Police Station,
Kancheepuram District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.S.Gopi, Advocate, S.R.No.2541

Cr1.O.P.No.30425 of 2015

msm(CO)
srg(02/02/2016)



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