

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.10.2016

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

CrI.O.P. No.22604 of 2016

Harikrishnan

Petitioner

vs.

- 1 The District Collector
Kancheepuram District
Kancheepuram
- 2 The Commissioner of Police
Vepery
Chennai 600 007
- 3 The Inspector of Police
Kundrathur Police Station
Kancheepuram District

Respondents

Criminal Original Petition filed under Section 482, Cr.P.C. seeking to direct the respondents 1 and 2 to hold an enquiry under Clause 151 of the Police Standing Orders to secure the ends of justice.

For petitioner Mr. R. Sankarasubbu

For respondents Mr. C. Emalias

Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking to direct the respondents 1 and 2 to hold an enquiry under Clause 151 of the Police Standing Orders to secure the ends of justice.

2 It is the case of the petitioner that he is a prominent leader of the DMK party and also the ex-President of Sirukalathur Panchayat and that there is imminent threat to his life and therefore, whenever he moves in the public, he takes around 20 men with him to escort him. While so, he apprehends that the police will foist false case against him so as to prevent him from contesting the local body elections. Therefore, he has sent a representation dated 29.09.2016 by Registered Post with Acknowledgment Due to the authorities for a direction to conduct enquiry against the third respondent in terms of Clause 151 of the Police Standing Orders.

3 Per contra, the learned Additional Public Prosecutor submitted that the petitioner is a history sheeted rowdy and there are many a case against him, including criminal cases and that the police have registered a case in Crime No.987 of 2016 under Sections 75 of the Tamil Nadu City Police Act and 7(1)(a) of the Criminal Law Amendment Act, 2006 and when the police went to arrest him, he has come with the present Criminal Original Petition. Further, according to the learned Additional Public Prosecutor, even prior to the declaration of elections to the Local Bodies, the FIR in Crime No.987 of 2016 as against the petitioner was registered on 25.06.2016 and therefore, the allegation that the FIR was registered as against the petitioner only in order to prevent him from contesting the local body elections, cannot be sustained.

4 In the considered opinion of this Court, the direction as prayed for by the petitioner, cannot be granted, inasmuch as PSO 151 will not apply to the facts of the present case. There cannot be presumption that a person will be gunned down by the police in the teeth of Illustration (e) to Section 114 of the Evidence Act. That apart, on the heels of submitting the representation dated 29.09.2016 to the authorities, the petitioner has approached this Court on the very next day, i.e., 30.09.2016, without even giving breathing time for the authorities to act on his representation. It is always open to the petitioner to apply for anticipatory bail or any other relief, if he apprehends arrest in Crime No.987 of 2016.

This Criminal Original Petition stands dismissed with the above observations.

Sd/-

Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

cad

To

- 1 The District Collector
Kancheepuram District
Kancheepuram
- 2 The Commissioner of Police
Vepery
Chennai 600 007

WEB COPY

3 The Inspector of Police
Kundrathur Police Station
Kancheepuram District

4 The Public Prosecutor
High Court, Madras

CrI.O.P. No.22604 of 2016

KGK (CO)
kk 12/11



WEB COPY