

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2016

CORAM:

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

Crl.O.P.No.25338 of 2016

N. Selvaraj

... Petitioner

Vs.

1.The Superintendent of Police
Tiruppur.

2.The Inspector of Police
Alangiyam Police Station
Tiruppur District

... Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure seeking a direction to the respondents to secure the remaining accused persons in connection with Crime No.219 of 2016 on the file of the second respondent and proceed against them according to law.

For Petitioner : Mr. S.Doraisamy

For Respondents : Mr. C.Emalias
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking a direction to the respondents to secure the remaining accused persons in connection with Crime No.219 of 2016 on the file of the second respondent and proceed against them according to law.

2. On the complaint given by the petitioner, the second respondent police registered a case in Cr. No.219 of 2016 on 18.06.2016 under Sections 447, 294(b) and 506(ii) IPC and Section 3 of the Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992, against one Lakshmanan (A1) and Palanichamy (A2).

3. The present petition has been filed by Selvaraj (de facto complainant) for a direction to the police to arrest the accused in Cr. No.219 of 2016.

4. In the considered opinion of this Court, such a direction cannot be issued by this Court under Section 482,

Cr.P.C. in the light of the law laid down by the Supreme Court in Joginder Kumar vs. State of Uttar Pradesh, [(1994) 4 SCC 260], wherein, it has been held that the power to arrest is one aspect and the exercise of power to arrest is yet another aspect.

5. However, on instructions, the learned Additional Public Prosecutor submits that Lakshmanan (A1) was arrested and has been subsequently released on bail and that Palanichamy (A2) has been released on anticipatory bail by this Court in CrI.O.P. No.20431 of 2016.

Recording the above said submission of the learned Additional Public Prosecutor, this Criminal Original Petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

cad

To

- 1.The Superintendent of Police,
Tiruppur.
- 2.The Inspector of Police,
Alangiyam Police Station,
Tiruppur District.
- 3.The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.68055

CrI.O.P.No.25338 of 2016

KS(CO)
CA(19/12/2016)

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