

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON: 09.06.2016

PRONOUNCED ON: 15.06.2016

CORAM:

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

CrI.O.P. No. 3838 of 2016

A. Vimala

Petitioner

vs.

1 The Inspector of Police
P-5, MKB Nagar P.S.
Vysarpadi
Chennai 600 039

2 The Deputy Commissioner of Police
Pulianthope Police District
Pulianthope, Chennai

3 The Commissioner of Police
Greater Chennai
Vepery
Chennai

Respondents

Criminal Original Petition filed under Section 482, Cr.P.C. to direct the respondents police to register a proper case on the petitioner's complaint dated 23.10.2015 with the third respondent which is now handled by the first respondent.

For petitioner Mr. T. Jaishankar

For respondents Mr. C. Emalias
Addl. Public Prosecutor

ORDER

This Criminal Original Petition is filed seeking a direction to the respondents-police to register a proper case on the petitioner's complaint dated 23.10.2015 with the third respondent, which is now handled by the first respondent.

2 Heard the learned counsel for the petitioner and the

learned Additional Public Prosecutor appearing for the respondents-State.

3 It is the case of the petitioner that her husband is a retired policeman and that he is presently the Treasurer of North Chennai Unit of A.I.A.D.M.K. Differently-Abled Persons' Wing. It is alleged by the petitioner that she got her daughter Latha married to one Chandran in the year 1988 and that the said Chandran is causing harassment to the petitioner and her husband, besides trying to usurp their properties. It is further alleged by the petitioner that her son-in-law Chandran had criminally intimidated her and on the complaint given by her, the respondents conducted petition enquiry in C.S.R. No.322 of 2015 and the same has been closed.

4 Mr. T. Jaishankar, learned counsel for the petitioner submitted that the Inspector of Police, M.K.B. Nagar Police Station ought not to have enquired into the complaint given by the petitioner, inasmuch as the petitioner has lodged a complaint against the said Inspector himself before the Directorate of Vigilance and Anti Corruption.

5 This Court gave its anxious consideration to the submissions made by the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

6 On a reading of the complaint dated 23.10.2015 given by the petitioner, it is seen that it does not even disclose the date on which the petitioner's son-in-law had criminally intimidated her. It is obvious to the Court that the petitioner is having some differences of opinion with her daughter and son-in-law, which have to be settled only before the Civil Court. The petitioner has not even made out a prima facie case against her daughter and son-in-law. The petitioner's complaint does not disclose commission of any cognizable offence for the police to conduct investigation. That apart, it is manifest that the petitioner's complaint has been enquired into and closed as early as on 20.11.2015.

7 It is common knowledge that when a public authority does not support a party, petitions alleging mala fides are sent against him to his higher authorities. If credence is given to such petitions, no public authority can ever discharge his duties independently.

In the result, this Criminal Original Petition stands dismissed, as being devoid of merits.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

cad
To

- 1 The Inspector of Police
P-5, MKB Nagar P.S.
Vysarpadi
Chennai 600 039
- 2 The Deputy Commissioner of Police
Pulianthope Police District
Pulianthope, Chennai
- 3 The Commissioner of Police
Greater Chennai
Vepery
Chennai
- 4 The Public Prosecutor
High Court of Madras
Chennai 600 104

+2 cc to Mr.T.Kumar, Advocate, sr.32337dt 04/07/2016

lrs co
kra 21.06.2016

Crl.O.P. No.3838 of 2016

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