

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2016

CORAM:

THE HONOURABLE MS.JUSTICE R.MALA

CRL.O.P.NO.5281 OF 2016

Titus Ebinesan

: Petitioner

Vs.

1. Superintendent of Police (South)
Thavalakuppam,
Puducherry.

2. State by Inspector of Police,
Bahoor Police Station,
Bahoor Circle,
Puducherry

: Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code praying to register the FIR and investigate the matter on the basis of petitioner's complaint dated 5.1.2016 and file final report within the time to be stipulated by this Court.

For Petitioner : Mr.R.Bharathkumar

For Respondent : Mr.M.R.Thangavel
Addl. Public Prosecutor
(Pondicherry)

ORDER

The petitioner has come forward with this petition under Section 482 of Code of Criminal Procedure, praying to register the FIR and investigate the matter on the basis of petitioner's complaint dated 5.1.2016 and file final report within the time to be stipulated by this Court.

2. Heard the submissions made by the learned counsel appearing on either side.

3. The learned counsel for the petitioner would submit that the petitioner belongs to Hindu Adi Dravidar Community which is classified as SC. The younger son of the petitioner viz., T.Daniel had a love affair with a girl by name Vanmathi, who belongs to Vanniar Community which is classified as Most Backward Class. On the basis of the oral complaint given by one Chandrasekar, who is the father of said Vanmathi, the Sub Inspector of Police viz., Lenin Bharathi of

Kirumambakkam Police Station detained petitioner's son under illegal custody on 3.1.2016 and on the next day on 4.1.2016, the petitioner was shocked to know that his son died of consuming poison. He would further submit that due to the constant torture at the hands of the said Sub Inspector of Police, his son died. The petitioner reported the death and based on that, an FIR was registered in Crime No.3 of 2016 under Section 174 Cr.P.C. The petitioner has lodged a complaint on 5.01.2016 before the 2nd respondent. Even though a case has been registered in Crime No.3 of 2016 under Section 174 Cr.P.C., the petitioner has come forward with this petition directing the respondents to register a case based on the complaint given by the petitioner. Hence he prayed for a direction.

4. At this juncture, the learned Additional Public Prosecutor would submit that on the basis of the suspicious death of the deceased T.Daniel, a case in Crime No.3 of 2016 has already been registered under Section 174 of Cr.P.C. on 5.1.2016 itself and the case is now under investigation. He would further submit that there could not be two First Information Reports for the same occurrence. Hence he prayed for dismissal of this petition.

5. Considering the submissions made on both sides and also on perusal of typed set of papers, the petitioner's son who is belonging to Hindu Adi Dravida Community was aged about 21 years and is studying Visual Communication and he had love affair with one Vanmathi, who is the daughter of Chandrasekar, who belongs to Vanniyar Community. On the basis of the oral complaint given by the said Chandrasekar, the petitioner's son met out constant torture at the hands of the Sub Inspector of Police, due to which, he died. Since he died under suspicious circumstances, a case was registered in Crime No.3 of 2016 under section 174 of Cr.P.C and now investigation in this case is still going on.

6. It is to be noted that for the death of the son of this petitioner, already a case in Crime No.3 of 2016 has been registered and it is not possible to register two First Information Reports for the same occurrence. However, the 2nd respondent is directed to consider the representation given by the petitioner and investigate the matter in proper direction.

7. With the above direction, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. Superintendent of Police (South)
Thavalakuppam,
Puducherry.

2. State by Inspector of Police,
Bahoor Police Station,
Bahoor Circle,
Puducherry

3. The Public Prosecutor,
High Court, Chennai.

+ 1 cc to Mr.R. Bharath Kumar, Advocate SR.21508

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KS (CO)
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