

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2016

CORAM:

THE HON'BLE DR.JUSTICE P.DEVADASS

Crl.O.P.No.6608 of 2016

Mumthaj

.. Petitioner

vs.

1. The Superintendent of Police
The Nilgiris District
The Nilgiris.

2. The Inspector of Police
Anti Corruption and Vigilance Wing
Pudhumanthu Road
Udhagamandalam
The Nilgiris District. .. Respondents

Prayer: Petition filed under Section 482 of the Code of Criminal Procedure to issue a direction directing the second respondent herein to register the case on the petitioner's complaint dated 29.01.2016 and consequently to direct the second respondent to investigate the same in accordance with law.

For Petitioner : Mr.M.Guruprasad

For Respondents: Mr.P.Govindarajan
Additional Public Prosecutor

सत्यमेव जयते

O R D E R

The petitioner came forward with this petition under Section 482 Cr.P.C to direct the second respondent, viz., the Inspector of Police, V & AC, Nilgiris to register a case for certain offences under P.C.Act.

2. The defacto complainant is a fruit seller, just in front of one Selvaraj's hotel in Uthagamandalam. There were some dispute between them, in her running the business. In the circumstances based on her complaint, a criminal case has been registered as against the said Selvaraj by B1 Police station in

Crime No.20 of 2016 under Sections 294(b), 323, 324 and 506(ii) of IPC. The investigation is pending.

3. In this connection, the defacto complainant in the said criminal case, who is the petitioner herein alleges that the said Inspector and S.I.of Police is hand in glove with the accused Selvaraj. The said Inspector used to take tea and meals in Selvaraj's hotel free of cost and she also alleges that after receiving an illegal gratification of Rs.25,000/- from Selvaraj, the Inspector and S.I.of police are conducting investigation with mala fide intention.

4. The prosecution side filed report to the effect that this petition is motivated. Further, the Additional Superintendent of Police, Head Quarters, Nilgiris also conducted an enquiry and found that there is no basis for the allegations made against the police personnel. That apart, the allegations now levelled in this petition are unsubstantiated by producing materials.

5. Heard both sides.

6. At the stage of 482 Cr.P.C., this Court has to see whether the materials presented discloses cognizable offence. Direction to register a case is a serious matter because it will lead to serious consequences, because it may lead to arrest, it may ultimately direct the person to under go the ordeal of criminal proceedings. There cannot be disclosing of a cognizable offence based on assumptions and presumptions. There should be some material, but it must be concrete in nature to draw a conclusion that it discloses cognizable offence so as to issue direction under Section 482 Cr.P.C. In this respect, the position of law is analogous when a private complaint is considered for issuance of a direction under Section 156(3) Cr.P.C.

7. In the facts and circumstances, there is no material or basis disclosing a cognizable offence. In the circumstances, the direction sought for cannot be issued.

8. In view of the foregoing, this Criminal Original Petition is dismissed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

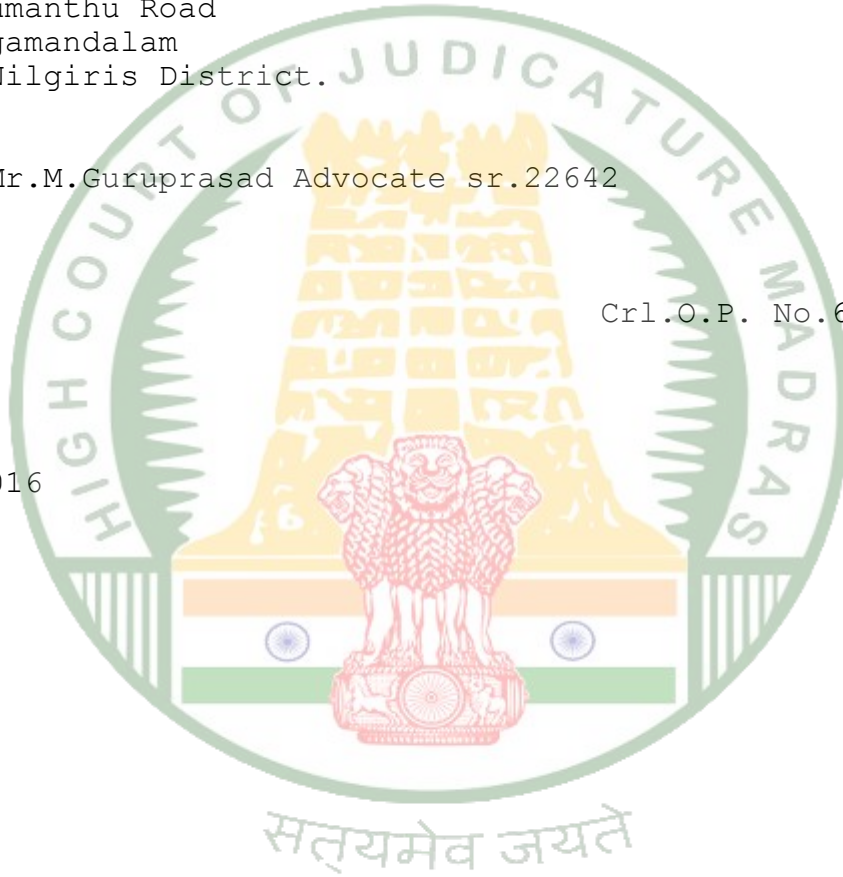
To

1. The Additional Public Prosecutor,
Madras.
2. The Superintendent of Police
The Nilgiris District
The Nilgiris.
3. The Inspector of Police
Anti Corruption and Vigilance Wing
Pudhumanthu Road
Udhagamandalam
The Nilgiris District.

+1 cc to Mr.M.Guruprasad Advocate sr.22642

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