

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Crl.O.P.No.7799 of 2016

D.Paneerselvam

.. Petitioner

Vs.

1.State represented by
The Commissioner of Police,
Greater City of Chennai,
Vepery, Chennai - 600 007.

2.The Deputy Commissioner of Police,
Adyar Range,
Adyar, Chennai - 600 020.

3.State represented by
The Inspector of Police,
J-8 Neelangarai Police Station,
Chennai - 600 115.

.. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondent to register the FIR based on the complaint given by the petitioner to the first respondent dated 28.12.2015 vide Receipt No.C.No.3946/COP/Visitors/2015 dated 28.12.2015 and to investigate and to file the final report within the time stipulated by this Court.

For Petitioner : Mr.P.Rajalingam

For Respondents : Mr.C.Emalias
Addl. Public Prosecutor

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O R D E R

The petitioner has come forward with this petition seeking for a direction to the respondents to register a case pertaining to the petitioner's complaint dated 28.12.2015.

2.The learned counsel for the petitioner submitted that the petitioner has lodged a complaint before the first respondent on 28.12.2015, for which, C.No.3946/COP/Visitors/2015 has been given. But the first respondent has not shown any interest to

enquire the matter and register the case. Hence, the petitioner has come forward with this petition for the above stated relief.

3. At this juncture, the learned Additional Public Prosecutor, on instructions, would submit that the petitioner has given a complaint against his son-in-law. He would submit that on the date of occurrence, the petitioner's daughter, grand daughters and his son-in-law returned home in their car after watching Cinema, at that time a bus dashed against the car, in which, the car fell down in the pond and in that, the petitioner's daughter and grand daughters were died. On the basis of the complaint given by the petitioner's son-in-law, a case in Crime No.719 of 2015 has been registered against the bus driver for the offences punishable under Sections 279, 304A IPC and Sections 134(a+b) r/w. Section 187 of Motor Vehicle Act and investigation is going on. He further submitted that two FIRs cannot be registered for the same occurrence. Hence, he prayed for dismissal of the petition.

4. Considering the rival submissions made on both sides, on the basis of the complaint made by the petitioner's son-in-law, already case has been registered in Crime No.719 of 2015 and that investigation is going on, I do not find any merits in this petition. Hence, the Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

cse

To

1.The Commissioner of Police,
Greater City of Chennai,
Vepery, Chennai - 600 007.

2.The Deputy Commissioner of Police,
Adyar Range, Adyar, Chennai - 600 020.

3.The Inspector of Police,
J-8 Neelangarai Police Station, Chennai - 600 115.

4.The Public Prosecutor, High Court, Chennai.

+ 1 cc t Mr.P. Rajalingm, Advocate Sr.27235

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KS(CO)

Eu 17.05.16