

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2016

C O R A M

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Crl.O.P.No.8028 of 2016

G.Sathishkumar

... Petitioner/Defacto
Complainant

Vs.

The Inspector of Police,
H-1, Washermenpet Police Station,
Washermenpet, Chennai.

... Respondent/Investigation
Officer

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C to direct the respondent police to register a case on the petitioner's complaint dated 12.02.2016 and proceed in accordance with law.

For Petitioner : Mr.M.Shreedhar

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the respondent police to register a case on the complaint dated 12.02.2016, given by the petitioner and to proceed in accordance with law.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3. It is the case of the petitioner that he was in love with one Nandhini and got married to her on 12.02.2016. On the same day, when he had been to the Sub Registrar Office at Royapuram, Chennai, for the purpose of registering his marriage with Nandhini, some persons abducted Nandhini, after assaulting him. In this case, the petitioner lodged a complaint to the respondent-Police on 12.02.2016, based on which, a petition enquiry was conducted in CSR.No.118 of 2016. While so, the

petitioner filed Habeas Corpus Petition in HCP.No.329 of 2016, which was heard by a Division Bench of this Court and dismissed on 28.03.2016, holding as follows :

"5. Further, a statement said to have been made by the detainee, has also been placed before this Court, by the learned Additional Public Prosecutor appearing on behalf of respondents 1 and 2. In the said statement, the petitioner had stated that no one had abducted her, as alleged by the petitioner and that she is living with her parents, on her own volition.

6. In such circumstances, we do not find any cause or reason, to grant the relief, as prayed for, by the petitioner. Hence, the Habeas Corpus Petition is dismissed.

4. The learned Additional Public Prosecutor submitted that during the pendency of Habeas Corpus Petition, petition enquiry was conducted and closed by the respondent Police in CSR.No.118 of 2016.

5. Now, it is the grievance of the petitioner that he was assaulted during the said incident and therefore for the assault, enquiry should be conducted.

6. In the considered opinion of this Court, the Division Bench of this Court went into all the aspects and passed the aforesaid order dated 28.03.2016. Therefore, no positive direction can be issued to the respondent Police to register an FIR, as prayed for by the petitioner. Hence, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

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To:

1. The Inspector of Police,
H-1, Washermenpet Police Station,
Washermenpet, Chennai.
2. The Public Prosecutor,
High Court, Madras.

Cr1.O.P.No.8028 of 2016

GJ(CO)

EU 23.07.16