

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Cr1.O.P.No.859 of 2016

Ravi

... Petitioner

Vs

The Station House Officer,
Odiansalai Police Station,
Puducherry.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. seeking a direction directing the respondent to register the case based on the petitioner's complaint dated 13.12.2015 and to investigate into the matter in accordance with law and to file a final report before the competent Court.

For Petitioner : Mr.M.Gnanasekar

For Respondent : Mr.C.Balamurugane
Additional Public Prosecutor (Pondy)

ORDER

The present criminal original petition has been filed to direct the respondent to register the petitioner's complaint dated 13.12.2015 and to investigate the same in accordance with law and to file final report.

2. In the petition it has been stated that the petitioner is residing at No.18, MuthuMariammanKovil Street, Vambageerapalayam, Puducherry. The petitioner's uncle S.Veerapandi, S/o.Sooriyamurthy purchased a steel boat for a sum of Rs.37,00,000/-, in the name of the petitioner, since he is not having any residential proof and other particulars. While so, there were some family dispute between the petitioner's uncle and his wife Srimathi. On 08.12.2015, a false complaint was given against the petitioner by his uncle's wife and on the same day after enquiry, when the petitioner was coming from 5th respondent police, he was way laid by the said Srimathi and her

brothers and he was kidnapped to an unknown place and they obtained his signature in blank stamp papers and assaulted him. On 13.12.2015, the petitioner and his uncle went to verify weather boat was there in the place and found that the said Srimathi and others were attempting to take away the steam boat and the petitioner while preventing the same, he was attacked by using deadly weapons and due to which, the petitioner sustained injuries. Hence, the petitioner lodged a complaint on 13.12.2015. But, till date no action was taken. Hence, the petitioner has come forward with the present criminal original petition.

3. I have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

4. The learned Additional Public Prosecutor submitted that it is only a dispute between the family members and no cognizable offence is made out on the complaint and thus, he opposed to give a direction to the respondent to register a case. But, the learned counsel for the petitioner denies the same and submits that the petitioner was assaulted and threatened by the counter petitioner.

5. In view of the submissions made on either side, this Court directs the respondent to conduct enquiry with regard to the allegation of threat and assault made by the counter petitioner and dispose the same in accordance with law, as early as possible. If no prima facie case is made out for registering the case, the respondent is directed to pass an appropriate order on the complaint of the petitioner.

6. This criminal original petition is disposed of accordingly.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS VII)

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Sub Assistant Registrar

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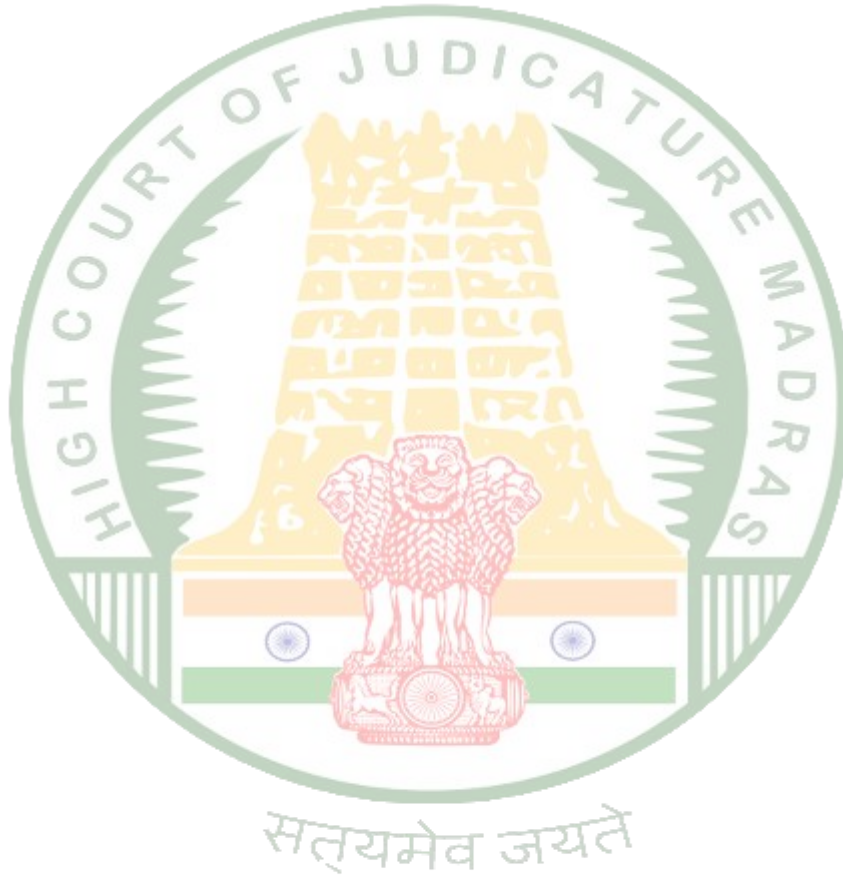
1. The Station House Officer,
Odiansalai Police Station,
Puducherry.

2. The Public Prosecutor (Pondicherry),
High Court, Madras.

+1cc to Mr.M.Gnanasekar, Advocate, S.R.No.3900

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SCD(CO)
CA(09/02/2016)



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