

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 15.02.2016****CORAM:****THE HONOURABLE Mr.JUSTICE V.S.RAVI****Crl.O.P.(MD)No.19413 of 2015**

Santhanam

... Petitioner

Vs.

- 1.The Director General of Police,
Mylapore, Chennai.
- 2.The Inspector General of Police,
South Zone, Madurai.
- 3.The Superintendent of Police,
Madurai District, Madurai.
- 4.The Inspector of Police,
Thirumangalam Police Station,
Madurai District.
- 5.The Inspector of Police,
Vigilance and Anticorruption, Madurai.
- 6.The Sub Inspector of Police,
Koodakoil Police Station, Madurai.
- 7.Tamilselvi,
Sub Inspector of Police,
Koodakoil Police Station,
Madurai District.

... Respondents

PRAYER: Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the 5th respondent to register a case against the 7th respondent on the complaint given by the petitioner dated 10.08.2015.

For Petitioner : Mr.V.Kannan
For Respondents : Mr.P.Kandasamy, G.A.(Crl.side)
for R1 to R6
Mr.S.Selvakumar for R7

**ORDER**

This petition is filed under Section 482 of Cr.P.C., by the petitioner to direct the 5th respondent to register a case against the 7th respondent based on the complaint given by the petitioner dated 10.08.2015.

2.It is stated in the affidavit that on 27.07.2015 the accused persons attacked the petitioner with deadly weapons and hence, the petitioner has been admitted in hospital. Based on the complaint given by the petitioner on 27.07.2015 a case under Sections 294(b), 323, 324 and 506(ii) IPC and Section 4 of TNPWH Act has been filed as against the accused persons. The accused persons have filed an anticipatory bail petition before the concerned Court. At that time, the petitioner has not been discharged from the hospital and the anticipatory bail petition has been adjourned. On 07.08.2015, the 7th respondent came to the Government Hospital, Thirumangalam and directed the Government Doctor to discharge the petitioner from the hospital. Hence, the petitioner has been discharged from the hospital on 08.08.2015. After discharging the petitioner from the hospital, anticipatory bail has been granted to the accused persons. Therefore, the petitioner stated that the 7th respondent is supporting the accused persons by receiving bribe from them.

3.On 06.01.2016, this Court directed the concerned Doctor to file an affidavit. Accordingly, an affidavit has been filed by Dr.B.Mariammal. In paragraph No.4 of the affidavit it is specifically stated as follows:

"4.I respectfully submit that in the allegation petition that the Koodakovil Sub Inspector of Police, Tmt.Tamilselvi has directed me to discharge the petitioner from the above said hospital is totally false. I have not even met the above said Koodakovil Sub Inspector of Police Tmt. Tamilselvi. I have acted according to the Medical Procedure in vogue."

4.Further, in paragraph No.4 of the counter affidavit of the 5th respondent, it is clearly stated as follows:

"4.It is respectfully submitted that the petitioner Tmt.Santhanam filed this Criminal Original Petition before the Hon'ble Madurai Bench of Madras High Court alleging that the Sub Inspector of Police, Koodakoil Police Station, Madurai District favoured the counter petitioner of this petitioner, influenced the Government Medical Officer, Thirumangalam, hence, the petitioner was discharged from the Government Hospital and the Sub Inspector facilitated counter petitioner to get anticipatory bail.



5.It is respectfully further submitted that a petition dated 10.08.2015 sent by the petitioner was received at the office of the Deputy Superintendent of Police, Vigilance & Anti Corruption, Madurai detachment on 12.08.2015, as per the instructions issued in the Vigilance Manual Para 10(4), the petition was forwarded to the Director of Vigilance and Anti Corruption, Chennai on 12.08.2015. As the petition was related to a case under investigation by Madurai District Police, above said petition was forwarded to the Superintendent of Police, Madurai District vide Ref.No.7123/2015/POL/MU, dated 21.08.2015 for necessary action at their end."

5.On a careful perusal of the materials on record, it is found that there is no ground to entertain the Criminal Original petition except to record the affidavits filed by the Dr.B.Mariammal and also the 5th respondent herein.

6.With the above said observation, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(P&A)

/True copy/

Sub Assistant Registrar

To

- 1.The Director General of Police, Mylapore, Chennai.
- 2.The Inspector General of Police, South Zone, Madurai.
- 3.The Superintendent of Police, Madurai District, Madurai.
- 4.The Inspector of Police, Thirumangalam Police Station, Madurai District.
- 5.The Inspector of Police, Vigilance and Anticorruption, Madurai.
- 6.The Sub Inspector of Police, Koodakoil Police Station, Madurai.
- 7.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+one cc to Mr.S.Selvakumar, Advocate in SR.No.9250

+one cc to Mr.V.Kannan, Advocate in SR.No.8925

nbj

CSL/SK-SKN/01.03.2016/3P/10C