



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2014

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

Crl.O.P(MD)No.324 of 2014

P.Subbaiah

... Petitioner

Vs.

1.The Superintendent of Police,
Virudhunagar.

2.The Deputy Superintendent of Police,
Rajapalayam, Virudhunagar District.

3.The Inspector of Police,
Rajapalayam North Police Station,
Virudhunagar District.

... Respondents

Prayer: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, praying to issue a direction to the respondent police to register a case on the complaint dated 02.12.2013 given by the petitioner against the accused namely Sakkarai, Manimegalai and Arumugam mentioned in the complaint.

For Petitioner : Mr.A.K.Manickam

For Respondent : Mr.P.Kandasamy, Govt. Advocate

ORDER

This petition is filed to direct the second respondent to register a case on the complaint dated 02.12.2013 given by the petitioner against the accused namely Sakkarai, Manimegalai and Arumugam mentioned in the complaint.

2. The learned Government Advocate (Crl.side) would submit that the complaint will be taken and it will be enquired into and if *any prima facie case* is made out, the said complaint would be registered and the investigation would also be commenced.

3.Usually, this Court is following the principles and directions laid down by the Honourable Supreme Court in the decision in Writ Petition (Criminal)No.68 of 2008 and batch in the matter of the **Lalita Kumari -Vs-Government of U.P and others reported in (2013) 4 MLJ (Crl.) 579(SC)**.

4.But, in the case on hand, the complaint dated 28.11.2013 given to the third respondent was treated as petition enquiry and on 02.12.2013, the petitioner has given another complaint to the Superintendent of Police, Virudhunagar. After going through the sad complaint, the Superintendent of Police, Virudhunagar District has made



an endorsement that if the Deputy Superintendent of Police feels that the issue could not be settled, a case has got to be registered.

5. Since the Superintendent of Police felt that there is a prima facie case and also taking note of the decision cited supra, this Court direct the third respondent to register a case on the petitioner's complaint, within a period of 15 days from the date of receipt of a copy of this order.

6. This petition is ordered accordingly.

Sd/-
Assistant Registrar

/True Copy/

Sub - Assistant Registrar

To

1. The Superintendent of Police, Virudhunagar.

2. The Deputy Superintendent of Police,
Rajapalayam, Virudhunagar District.

3. The Inspector of Police,
Rajapalayam North Police Station, Virudhunagar District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+ 1 CC to Mr. A.K. Manickam, Advocate in Sr.No.3652

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