



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.09.2016

WEB COPY

CORAM:

THE HONOURABLE Dr. JUSTICE S.VIMALA

Crl.O.P.(MD).No.16382 of 2016

P.Venice Clament

.. Petitioner

Vs.

1.The Commissioner of Police,
Trichy City, Trichy.

2.The Inspector of Police,
Gandhi Market Police Station,
Trichy City.

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the 2nd respondent to register a case based on the petitioner's complaint dated 29.10.2014.

For Petitioner	: Mr.M.Saravanan
For Respondents	: Mr.A.P.Balasubramani
	Government Advocate
	(Criminal side)

ORDER

It is an application seeking a direction to the second respondent to register a case based on the petitioner's complaint dated 29.10.2014.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondents.

3.It is seen that the complaint of the petitioner discloses the offences under Sections 420, 468, 471 and 467 IPC.

4.The learned counsel appearing for the petitioner would submit that the proposed accused has filed a petition for police protection, in which, he produced a copy of the order obtained for police protection against the petitioner and one Ebenezer in I.A.No.296 of 2014. After perusal of records, the petitioner came to know that the petitioner and Ebenezer were not parties in I.A.No.296 of 2014 and even in the civil suit filed by the propose accused, they were not at all parties. The order obtained by the proposed accused was later on manipulated, and the manipulated order was utilised for the purpose of getting police protection



against the petitioner and the said Ebenezer. So saying, the petitioner has preferred a complaint before the second respondent seeking to register a case.

5.The learned Government Advocate (Crl.Side) would submit that the respondents on enquiry have come to a conclusion that there must be some manipulation in the Court records and therefore, jurisdiction is vested with the Court and not with the Police. In principle, this contention is correct, but it all depends upon the stage at which manipulation is done, period during which manipulation is done, place at which manipulation is done (i.e. whether during the pendency of Court proceedings or after the conclusion of the court proceedings, etc.). It is not disclosed as to whether the manipulation was had been ever brought to the notice of the Court. Only after enquiry, the respondents will be in a position to know whether Sections 191 to 201 Cr.P.C. would become applicable to the facts of this case would be evident.

6.Under such circumstances, respondents are directed to make further enquiry into the matter and take a decision in accordance with law.

7.With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-I)

/True copy/

Sub Assistant Registrar

To

- 1.The Commissioner of Police,
Trichy City, Trichy.
- 2.The Inspector of Police,
Gandhi Market Police Station,
Trichy City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/s.M.Saravanan, Advocate in SR.No. 50098

mj

JA-DB-30.09.2016/2P:5C

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