

**THE HONOURABLE SRI JUSTICE RAJA ELANGO**

**WRIT PETITION No.35718 of 2016**

**ORDER:**

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking the following relief :

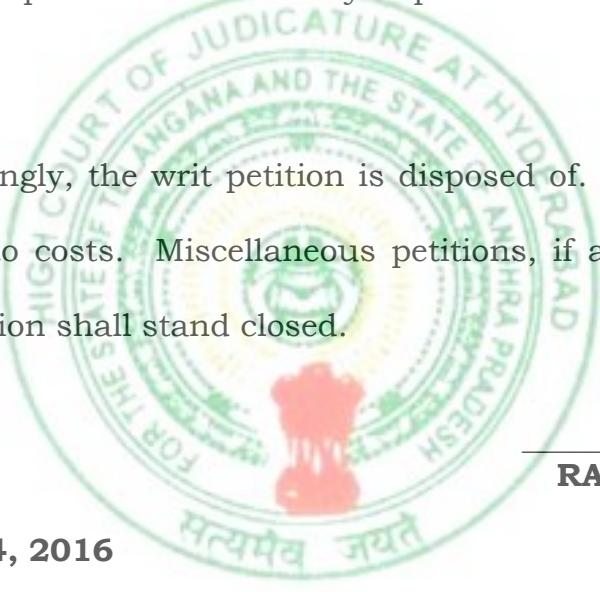
“to declare the action of the 3<sup>rd</sup> respondent in only foisting a petty case as against the 4<sup>th</sup> respondent and his associates instead of foisting the case for the offence U/Sec. 307 IPC on the basis of the contents of the statement recorded by the 3<sup>rd</sup> respondent police on the complaint of the petitioner dated 02.10.2016 before 3<sup>rd</sup> respondent and also before the 2<sup>nd</sup> respondent dated 03.10.2016, as illegal, unlawful, contrary to law and consequently direct 3<sup>rd</sup> respondent to foist appropriate case for the commission of the offence by the 4<sup>th</sup> respondent and his associates on the basis of the contents of the complaint of the petitioner and also on the basis of the doctor certificate dated 03.10.2016 issued by the medical officer.”

2. The case of the petitioners is that on 02.10.2016, the 4<sup>th</sup> respondent and his associates attacked the petitioner and caused injuries. On the next day, the petitioner lodged a complaint before the 3<sup>rd</sup> respondent, who in turn referred the petitioner to medical officer and got obtained medical certificate with regard to the injuries sustained by the petitioner. Thereafter, the petitioner lodged another complaint before 2<sup>nd</sup> respondent seeking a direction to the 3<sup>rd</sup> respondent to take appropriate steps against the 4<sup>th</sup> respondent on the basis of contents of the complaint and also on the basis of medical certificate. However, the 3<sup>rd</sup> respondent instead of booking appropriate case, illegally booked only petty case against the 4<sup>th</sup> respondent and his associates.

3. Heard the arguments and perused the material available on record.

4. Considering the facts and circumstances of the case and also taking into consideration the fact that the petitioner has submitted the wound certificate, without expressing any opinion on merits, if respondent No.3 is of the view that the complaint discloses an offence which is cognizable in nature, he shall register the same and complete the investigation and file final report, if any, in accordance with law. If the 3<sup>rd</sup> respondent refuses to register the complaint, the petitioner is at liberty to proceed in accordance with law.

5. Accordingly, the writ petition is disposed of. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.



RAJA ELANGO, J

**OCTOBER 24, 2016**

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**THE HONOURABLE SRI JUSTICE RAJA ELANGO**



**WRIT PETITION No.35718 of 2016**

**Date: 24.10.2016**

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