



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.03.2017

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD) No.1346 of 2017

Somasekharan Nair

... Petitioner

-vs-

The State of Tamil Nadu,
Rep. by The Inspector of Police,
Palukal Police Station,
Palukal Post,
Kanyakumari District.

... Respondent

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C., praying to direct the respondent to conduct a Preliminary Enquiry on the basis of the order passed in Criminal Miscellaneous Petition No.5524 of 2016 on the file of the Judicial Magistrate No.1, Kuzhithurai dated 01.06.2016 in accordance with law and thus render justice.

For Petitioner : Mr.Hariprasad

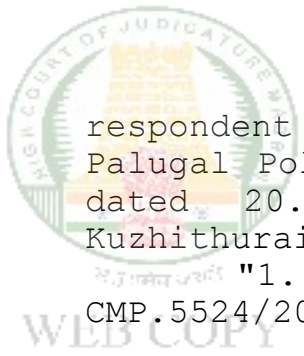
For Respondent : Mr.A.P.Balasubramani
Govt. Advocate (Crl.Side)

O R D E R

This petition has been filed to direct the respondent to conduct a Preliminary Enquiry on the basis of the order passed in Criminal Miscellaneous Petition No.5524 of 2016 on the file of the Judicial Magistrate No.1, Kuzhithurai dated 01.06.2016 in accordance with law.

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

3. On reading of the complaint, it is seen that this petitioner is a member of an NGO in the name of Legal Accountability Monitoring and Protest" and that he has filed a private complaint in Crl.M.P.5524 of 2016 before the learned Judicial Magistrate No.1, Kuzhithurai against one M.J.D.Construction and Engineering Contractors Private Limited alleging that they are into illegal mining. The learned Magistrate has forwarded the complaint to the



respondent police for investigation. The Sub-Inspector of Police, Palugal Police Station conducted an enquiry and submitted a report dated 20.06.2016 to the learned Judicial Magistrate No.I, Kuzhithurai, wherein it has been stated as follows:

"1. I humbly submit this report as per the direction in CMP.5524/2016 by this Hon'ble Court.

2. I humbly submit that I investigated the matter concerned with the CMP and found that metal jelly is heaped in the godown of the 1st respondent in Ramaverman Chirai.

3. I humbly submit that the collection and distribution of metal jelly and quarry products are fully controlled by the A.D.Mines and Minerals as per the provisions of Tamil Nadu quarry Mins, Mineral Act.

4. It is humbly submit that the Police can take legal actions of the respondents transported metal jelly and quarry products without any valid permits.

5. It is humbly submit that the Police could not detect any transport of metal jelly or quarry products by the respondent yet. Hence, in this juncture, the Police could not take legal actions against the respondent in the CMP.

Therefore, I humbly pray that the Hon'ble Court may be pleased to accept this report in the interest of justice."

4. Now, the petitioner has come up with the present prayer. This petition, in the considered opinion of this Court, is not maintainable, because the provisions of Section 482 Cr.P.C. cannot be used for Public Interest Litigation. That part, the Police cannot be directed to investigate a complaint in a particular manner, as that would amount to encroaching into the domain of Police. This Court does not find any infirmity in the report dated 20.06.2016, submitted by the Sub-Inspector of Police to the learned Judicial Magistrate No.I, Kuzhithurai.

5. In the result, this petition is devoid of merits and the same is dismissed with liberty to the petitioner to work out his remedy before the appropriate forum in the manner known to law.

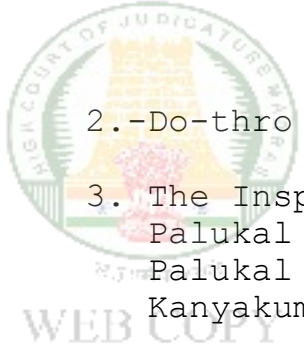
SD/-
ASSISTANT REGISTRAR (P&A)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To:

1. The Judicial Magistrate No.I,
Kuzhithurai,
Ranyakundari District.



2.-Do-thro the Chief Judicial Magistrate,Kanyakumari District.

3. The Inspector of Police,
Palukal Police Station,
Palukal Post,
Kanyakumari District.

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

+1 cc to MR.HARI PRASAD,ADVOCATE,SR NO.13908

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MAS/RR/SAR3:04.04.2017:3P-6C

Cr1.O.P.(MD) No.1346 of 2017
10.03.2017