

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.06.2018

CORAM:

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

Crl. O.P. Nos.4712 & 8858 of 2018

Raj Kumar

Petitioner in both the OPs

vs.

- 1 The Inspector of Police
T.R. Pattinam (L) Circle
T.R. Pattinam
Karaikal
Union Territory of Puducherry R1 in both the OPs
- 2 The Superintendent of Police (South)
Karaikal
Union Territory of Puducherry
(Cr.No.111 of 2017) R2 in Crl.O.P. No.8858/2018
- 2 V. Manikandan R2 in Crl.O.P. No.4712/2018

Prayer in Crl.O.P. No.4712 of 2018:

Criminal Original Petition filed under Section 482 Cr.P.C. seeking to call for the records relating to the FIR in Cr. No.111/2017 pending investigation on the file of the first respondent, the Inspector of Police, T.R. Pattinam (L) Circle, T.R. Pattinam, Karaikal and quash the same.

Prayer in Crl.O.P. No.8858 of 2018:

Criminal Original Petition filed under Section 482 Cr.P.C. seeking transfer of investigation of the case in Cr. No.111 of 2017 on the file of the first respondent to any other police officer.

For petitioner in both the OPs Mr. J. Zeakumar
for M/s. Achari & Antoni Associates

For respondents in
Crl.O.P. No.8858/2018 Mr. D. Bharatha Chakravarthi
and R1 in Addl. Public Prosecutor (Puducherry)
Crl.O.P. No.4712/2018

COMMON ORDER

While CrI.O.P. No.4712 of 2018 has been preferred seeking to call for the records relating to the FIR in Cr. No.111/2017 pending investigation on the file of the first respondent, CrI.O.P. No.8858 of 2018 has been preferred seeking transfer of investigation of the case in Cr. No.111 of 2017 on the file of the first respondent to any other police officer.

2 The petitioner is a Police Constable and the allegation against him is that he would identify young couples in the beach area in Karaikal and would take photographs of the couples and blackmail them. While so, on the complaint of one such victim, the first respondent police registered a case in Cr. No.111 of 2017 and the petitioner was arrested and was also suspended from service. With this background, the petitioner has filed the instant two petitions seeking the aforesaid prayers.

3 Mr. J. Zeakumar, learned counsel representing M/s. Achari and Antoni, learned counsel for the petitioner submitted that there are no prima facie materials in the FIR for the prosecution to proceed inasmuch as the de facto complainant himself has given an affidavit stating the police had obtained a complaint from him.

4 Per contra, the learned Additional Public Prosecutor (Puducherry) submitted that even after the petitioner was suspended from service, he wore the police uniform and adopted the same modus operandi by threatening yet another couple and on the complaint of the victim, a fresh case was registered against him and the petitioner was arrested on 12.02.2018.

5 This Court gave its anxious consideration to the rival submissions.

6 The fact that the petitioner has obtained an affidavit from the de facto complainant itself shows that the petitioner is tampering with the evidence and his bail can be cancelled as held by the Supreme Court in Asha @ Ashanand vs. State of Rajasthan [1997 (5) Supreme 508 : 1997 SCC (CrI.) 712]. Such anti social activities of uniformed men cannot be countenanced and deserve to be dealt with an iron hand. The police are intended to protect the common man and the fence cannot prey upon the crop. In such view of the matter, this Court is of the view that this is not a fit case to quash the prosecution at the threshold. Further, considering the facts and circumstances of the case, this Court does not find any reason to transfer the investigation to any other agency.

In the result, both the Criminal Original Petitions are dismissed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

cad

To

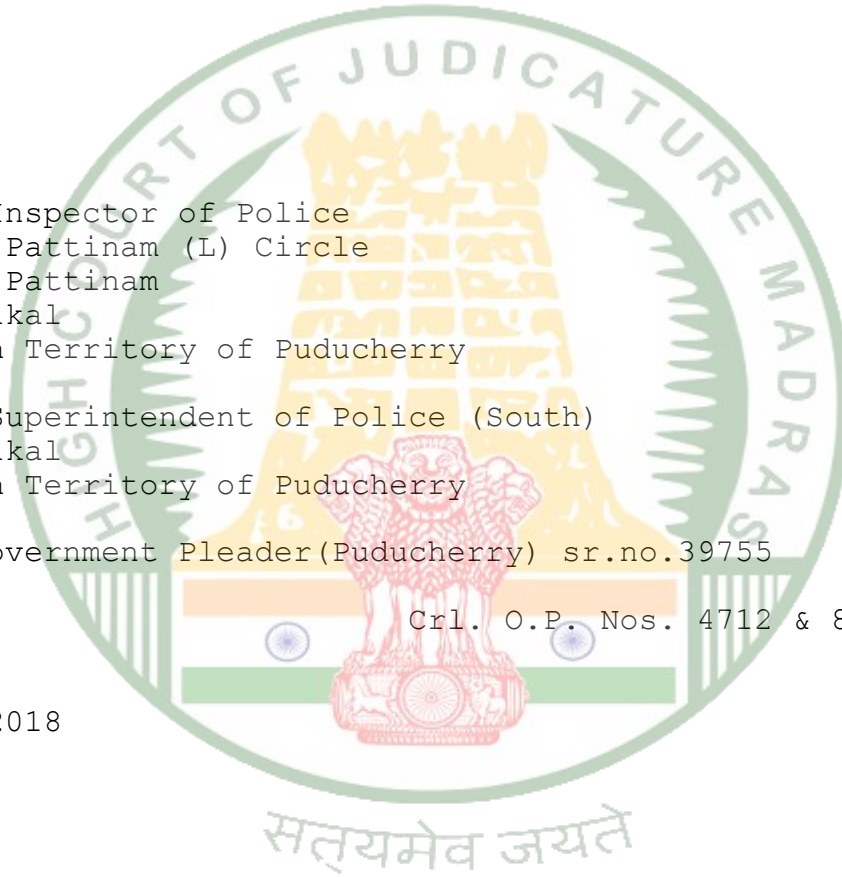
1 The Inspector of Police
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T.R. Pattinam
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Union Territory of Puducherry

2 The Superintendent of Police (South)
Karaikal
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+lcc to Government Pleader(Puducherry) sr.no.39755

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