

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.09.2018

CORAM

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.Nos.22018, 22240, 22308, 22323, 22325, 22428, 22431,
22671, 22688, 22696, 22725, 22741, 22770, 22789, 22792, 22794,
22795 and 22798 of 2018

***1 T.N.VAMSI KRISHNAN**

... PETITIONER in CRL OP No.22018 of 2018
S/O. NARAYANA REDDY NO.55/2 JAMALIA NAGAR
PERAMBUR CHENNAI-600 012.

1 L.BATHMANABAN 36/M

... PETITIONER in CRL OP No.22240 of 2018
S/O.LAKSHMANAN NO.22 DR.AMBEDKAR STREET
ABISHEGAPAKKAM PUDUCHERRY-605 007.

1 PARAMESWARAN AGED 21 YEARS

... PETITIONER in CRL OP No.22308 of 2018
S/O.PARAMANANTHAM ROAD STREET PERIYA
KRISHNAPURAM VILLAGE ANDIMADAM TALUK
ARIYALUR DISTRICT.

1 K.SRIDHAR AGED 45 YEARS

... PETITIONER in CRL OP No.22323 of 2018
W/O. C.R.KRISHNAMURTHY NO.6/18 1ST STREET
JUDGE COLONY TAMBARAM SANATORIUM CHENNAI-
47.

1 SATISH SARAVANA KUMAR

... PETITIONER in CRL OP No.22325 of 2018
M/A 47 YEARS DIRECTOR OF M/S.ADINAL
TECHONOLOGIES DOOR NO.92 SIDEN INDUSTRIAL
ESTATE THIRUMUDUVAKKAM CHENNAI.

1 S.AMARESH MUTHUKUMAR

... PETITIONER in CRL OP No.22428 of 2018
S/O.M.SATHYAMOORTHY NO.D32 DOOR NO.6 1ST
FLOOR ADAYAR AVENUE IIT CAMPUS IIT
CHENNAI-600 036.

- 1 T.DEIVASIGAMANY ... PETITIONER in CRL OP No.22431 of 2018
S/O.P.THANGAVEL NO.12 NADUTHERU
MADHIKRISNAPURAM MANAPET POST BAHOUR
COMMUNE PUDUCHERRY-607 402.
- 1 ALAUTHEEN AGED 48 YEARS
... PETITIONER in CRL OP No.22671 of 2018
S/O. SHAIK SAYAPU PALLIVASAL STREET LN
PATTI VILLAGE SANKARAPURAM TALUK
VILLUPURAM DISTRICT.
- 1 M.KANDASAMY AGED 48 YEARS
... PETITIONER in CRL OP No.22688 of 2018
S/O.MAIYLSAMY GOUNDER NO.180 PADACHI
THOTTAM KALIVELAMPATTI PALLADAM TALUK
TIRUPUR DISTRICT
- 1 PONMANI AGED 32 YEARS
... PETITIONER in CRL OP No.22696 of 2018
D/O.SWAMINATHAN W/O.SURENDRANATH PLOT NO.2
ISWARYA NAGAR AMARAVATHI KUDIL PALLAVARAM
CHENNAI
- 1 K.RAJENDIRAN ... PETITIONER in CRL OP No.22725 of 2018
S/O. KONGU KONAAR ANNA STREET ERUMAPATTI
(P.O) SENTHAMANGALAM T.K. NAMAKKAL
DISTRICT.
- 1 R.K. GANESAN(M/40) ... PETITIONER in CRL OP No.22741 of 2018
S/O.R.KRISHNASAMY NO.12 21ST AVENUE 4-A
ANUGRAHAM APARTMENT ASHOK NAGAR CHENNAI
- 600 083.
- 1 N.MEENAKSHI (F/55) ... PETITIONER in CRL OP No.22770 of 2018
W/O. P.NAMASIVAYAM KARRATTAI VILLAGE &
POST VANUR TALUK VILLUPURAM DISTRICT.
- 1 MR. MASTHAN
AGED 41 YEARS ... PETITIONER in CRL OP No.22789 of 2018
S/O. MOHIDEEN NO.2 SHANTHI NAGAR
KOLLUMEDU AVADI CHENNAI-600 054.
- 1 V.AYYATHURAI ... PETITIONER in CRL OP No.22792 of 2018
S/O.VIRUDHACHALAM SOUTH STREET ORİYUR
KAMARASAVALLI POST ARIYALUR TALUK &
DISTRICT.

- 1 KIRUBAKARAN ... PETITIONER in CRL OP No.22794 of 2018
S/O.CHANDRASEKAR COLLECTION AGENT
CHOLAMANDALAM INVESTMENT FINANCE COMPANY
AMBATTUR CHENNAI - 53.
- 1 RAMESH ... PETITIONER in CRL OP No.22795 of 2018
S/O. VAIYABURI COLLECTION AGENT
CHOLAMANDALAM INVESTMENT FINANCE COMPANY
HAYATH NAGAR VANIYAMBADI MAIN ROAD
THIRUPATHUR VELLORE DISTRICT.
- 1 CHINNAPONNU ... PETITIONER in CRL OP No.22798 of 2018
W/O. LATE PATCHAMUTHU VELLAPURAM KARADDUR
CHINNAPPANPATTI PAPPANPATTI VILLAGE
OMALLUR TALUK SALEM DISTRICT.
- Vs.
- 1 STATE REP. BY ... RESPONDENT in CRL OP No.22018 of 2018
THE INSPECTOR OF POLICE AMBATTUR
THIRUVALLUR DISTRICT.
- 1 STATE REPRESENTED BY ... RESPONDENT in CRL OP No.22240 of 2018
THE SUPERINTENDENT OF POLICE (SOUTH)
ARIYANKUPPAM PUDUCHERRY.
- 2 THE STATION HOUSE OFFICER
THAVALAKUPPAM POLICE STATION THAVALAKUPPAM
PUDUCHERRY.
- 1 STATE REP BY ... RESPONDENT in CRL OP No.22308 of 2018
SUPERINTENDENT OF POLICE ARIYALUR DISTRICT.
- 2 THE INSPECTOR OF POLICE
ANDIMADAM POLICE STATION ARIYALUR DISTRICT.
- 1 STATE REP. BY ... RESPONDENT in CRL OP No.22323 of 2018
THE INSPECTOR OF POLICE (CRIME) K.K.NAGAR
POLICE STATION CHENNAI.
- 1 THE STATE REP BY ITS ... RESPONDENT in CRL OP No.22325 of 2018
THE INSPECTOR OF POLICE T-13 KUNDRATHUR
POLICE STATION KUNDRATHUR CHENNAI.

- 1 DEPUTY COMMISSIONER OF POLICE
... RESPONDENT in CRL OP No.22428 of 2018
MYLAPORE CHENNAI.
- 2 INSPECTOR OF POLICE
J4 KOTTURPURAM POLICE STATION KOTTURPURAM
CHENNAI.
- 1 THE STATION HOUSE OFFICER
... RESPONDENT in CRL OP No.22431 of 2018
KIRUMBAKKAM POLICE STATION PUDUCHERRY.
- 1 THE INSPECTOR OF POLICE
... RESPONDENT in CRL OP No.22671 of 2018
VADAPONPARAPPI POLICE STATION VILLUPURAM
DISTRICT.
- 1 THE SUPERINTENDENT OF POLICE
... RESPONDENT in CRL OP No.22688 of 2018
THIRUPUR DISTRICT
- 2 THE INSPECTOR OF POLICE
PALLADAM POLICE STATION TIRUPPUR DISTRICT
- 1 THE INSPECTOR OF POLICE
... RESPONDENT in CRL OP No.22696 of 2018
PALLAVARAM POLICE STATION PALLAVARAM
- 1 INSPECTOR OF POLICE
... RESPONDENT in CRL OP No.22725 of 2018
ERUMAPATTI POLICE STATION NAMAKKAL DISTRICT.
- 1 UNION OF TERRITORY REP BY ITS
... RESPONDENT in CRL OP No.22741 of 2018
THE INSPECTOR GENERAL OF POLICE PUDUCHERRY.
- 2 UNION OF TERRITORY REP BY ITS
THE SENIOR SUPERINTENDENT OF POLICE (LAW &
ORDER) PUDUCHERRY.
- 3 UNION OF TERRITORY REP BY ITS
THE STATION HOUSE OFFICER METTUPALAYAM
POLICE STATION PUDUCHERRY.

- 1 THE SUPERINTENDENT OF POLICE
... RESPONDENT in CRL OP No.22770 of 2018
VILLUPURAM DISTRICT.
- 2 THE INSPECTOR OF POLICE
F4- KILIYANUR POLICE STATION VILLUPURAM
DISTRICT.
- 1 THE COMMISSIONER OF POLICE
... RESPONDENT in CRL OP No.22789 of 2018
GREATER CHENNAI VEPERY CHENNAI-600 007.
- 2 THE INSPECTOR OF POLICE
-7 AVADI TANK FACTORY POLICE STATION AVADI
CHENNAI-600 054.
- 1 STATE BY ... RESPONDENT in CRL OP No.22792 of 2018
THE INSPECTOR OF POLICE THOOTHUR POLICE
STATION THOOTHUR ARIYALUR TALUK &
DISTRICT.
- 1 STATE REP BY ... RESPONDENT in CRL OP No.22794 of 2018
THE INSPECTOR OF POLICE MAPPEDU POLICE
STATION THIRUVALLUR DISTRICT.
- 1 STATE REP. BY ... RESPONDENT in CRL OP No.22795 of 2018
THE INSPECTOR OF POLICE THIRUPATHUR TOWN
POLICE STATION VELLORE DISTRICT.
- 1 STATE OF TAMILNADU
... RESPONDENT in CRL OP No.22798 of 2018
REP BY ITS INSPECTOR POLICE LAND GRABBING
CELL DISTRICT POLICE OFFICE NETHIMEDU
SALEM.

Prayer in Crl.O.P.No.22018 of 2018: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to register the complaint against the accused A1 to A4 in the said address and based on the complaint dated 13.07.2018.

CRL OP No.22240 of 2018

To direct the 2nd respondent police to register the complaint and investigate the case on the basis of the complaint given by the petitioner dated 12.08.2017.

CRL OP No.22308 of 2018

To direct the 2nd respondent to register the complaint of the petitioner dated 22.08.2018 and investigate the same.

CRL OP No.22323 of 2018

To issue direction directing the respondent to register a case on the petitioner complaint dated 04.06.2018 and file a final report as per according to law and pass such other suitable orders.

CRL OP No.22325 of 2018

To direct the Respondent police to register a FIR based on the complaint given by the petitioner dated on 23.07.2018.

CRL OP No.22428 of 2018

To direct the 2nd respondent to register the petitioners complaint dated 23.07.2018 in respect of Ref.358/DCMYP/visitors/2018 pending on the file of J4-Kotturpuram police station and to complete the investigation and file a final report.

CRL OP No.22431 of 2018

To direct the respondent police to register the case based on complaint given by the petitioner dated 06/07/2018 and to investigate the same.

CRL OP No.22671 of 2018

To direct the respondent police to register a FIR on the basis of complaint dated 02.09.2018.

CRL OP No.22688 of 2018

To direct the 1st respondent herein to register a case based on a complaint date 24.07.2017 given by the petitioner and investigate the matter in accordance with law

CRL OP No.22696 of 2018

To direct the respondent police herein to register the petitioners complaint dated 06.02.2018 and forward the same to the Cyber Crime Cell at office of the Commissioner of Police, Vepery, Greater Chennai

CRL OP No.22725 of 2018

To direct the respondent police to register the complaint dated 30.06.2018 and pass such further or other orders as this Honble court.

CRL OP No.22741 of 2018

To direct the 3rd respondent police to register a case based on the petitioner information report dated 14.09.2018 pending on the file of the 3rd respondent police.

CRL OP No.22770 of 2018

To directing the 2nd respondent to register the FIR in the petitioner complaint dated on 04/02/2018.

CRL OP No.22789 of 2018

To direct the 1st and 2nd Respondent police to register FIR on the written complaint of the Petitioner dated 17.04.2018.

CRL OP No.22792 of 2018

To directing the respondent to register FIR against the named said persons on the basis of the complaint lodged by the petitioner on 12.09.2018.

CRL OP No.22794 of 2018

To direct the respondent police to register a case on the petitioners complaint dated 25.02.2016.

CRL OP No.22795 of 2018 सत्यमेव जयते

To direct the respondent police to register a case on the petitioner complaint dated 20.04.2018.

CRL OP No.22798 of 2018

To direct the respondent to register the complaint given by the petitioner within the time frame to may be fixed by the Honble court.

For Petitioners : Mr.K.V.Ramesh
Mr.P.Suresh babu
Mr.T.Lawrence Prabu
Mr.T.V.G.Kartheeban
Mr.D.Padmanabhan
Mr.G.Peranban
Mr.V.Vasanthakumar
Mr.R.Rajarajan
Mr.T.Balachandran
Mr.B.Mahendra Naidu
Mr.K.Prakash
Mr.D.Dayalan
Mr.R.Subramanian
Mr.L.Abdul basith
Mr.C.Prakasam
Mr.R.Sasikumar
Mr.C.Girishbabu

For Respondent : Ms.M.Prabhavathi
(in all the cases) Addl. Public Prosecutor (Crl.side)

C O M M O N O R D E R

These petitions have been filed to direct the respondent to register a case based on the complaint given by the petitioners.

2. A Hon'ble Division Bench of Madurai Bench of this Court by the order dated 20.09.2018 in G.Prabakaran Vs. The Superintendent of Police, Thanjavur District and another in (Crl.OP.(MD)No.13681 of 2018 etc., batch), while answering the references, has observed in paragraph Nos. 35 and 36 as follows:

'35.Accordingly, we answer the references in the following manner, while giving certain directions:

(i) Section 482 Cr.P.C. Cannot be invoked in all circumstances.

(ii) It is not an alternative remedy to Section 156(3) Cr.P.C but a repository of inherent power.

(iii) The normal course of remedy on a failure or refusal to record the information is Section 156(3) of the Code of Criminal Procedure after due compliance of Section 154 (3) Cr.P.C

(iv) A petition can be file invoking the inherent jurisdiction of this Court only after the completion of 15 days from the date of

receipt of the information by the Station House Officer. The Registry shall not receive any petition before the expiry of 15 days aforesaid.

(v) No petition shall be entertained without exhausting the remedy under Section 154 (3) Cr.P.C.

(vi) An informant can send substance of the information to the superintendent of Police on knowing the decision of the Station House Officer in not registering the case and proceeding with the preliminary enquiry. After conducting the preliminary enquiry, the Station House Officer's decision in either registering the complaint or closing it will have to be intimated to the informant immediately and in any case not later than 7 days. Once such a decision is made, the informant cannot invoke Section 482 Cr.P.C. as the remedy lies elsewhere.

(vii) The directions issued by the Director General of Police in the circulars referred are to be strictly complied with by all the Station House Officers.

(viii) The affidavit to be filed shall contain particulars regarding the date of complaint, receipt and the date of sending substances of the information to the Superintendent of Police under Section 154(3) Cr.P.C. and its receipt. The Registry shall not number any petition without due compliance.

(ix) This Court is not bound to direct the police to register the complaint in all cases not withstanding the breach of time table furnished in Lalitha Kumari's case.

(x) The Judicial Magistrate, while dealing the petitions under Sections 156(3) Cr.P.C. are directed to keep in mind the narrative in Lalitha Kumari's case with specific reference to the cases, which might require a preliminary enquiry before issuing a direction to investigate and after careful perusal of the complaint. The other directions issued by the learned Single Judge in Sugesan Transport's case are upheld.

(xi) Eschewing Section 156(3) Cr.P.C. is

only on exceptional and rarest of rare cases. Monstrosity of the offence, extreme official apathy and indifference, need to answer the judicial conscience, and existence of hostile environment are few of the factors to be borne in mind to bring a case under the rarest of rare one.

The references stands ordered accordingly.

36. We have perused most of the petitions by spending substantial time. We find that there is no compliance of the time table as delineated above nor the procedure under Section 154(3) Cr.P.C. Therefore, all these petitions stands closed, giving liberty to file fresh petitions if otherwise come within the purview of our decision and subject to compliance of the directions issued. Since the Criminal Original Petitions themselves are closed, no order is necessary in the Miscellaneous Petitions to implead the petitioners in Miscellaneous Petitions as parties and hence, all the Miscellaneous Petitions stands closed. Crl.M.P.(MD) No.10566 of 2016 in Crl.O.P.(MD) No.4854 of 2016 is also closed since there is no valid reason to recall the order of this Court in Crl.O.P.(MD) No.4854 of 2016 dated 12.04.2016.

3. In these petitions also, I find that there is no compliance of the time table as delineated above nor the procedure prescribed under Section 154 (3) Cr.P.C. Hence, following the aforesaid decision, all these Criminal Original Petitions are closed giving liberty to the petitioners to file fresh petitions, if otherwise come within the purview of the aforesaid decision and subject to compliance of the directions issued in the aforesaid decision. Consequently, all the connected Criminal miscellaneous petitions also closed.

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Sd/-

Assistant Registrar (CS-II)

Dated: 25/10/2018

Sd/- Sub Assistant Registrar

Dated: 13/11/2018

//True Copy//

Sub Assistant Registrar

msrm

TO

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- 1 THE INSPECTOR OF POLICE AMBATTUR
THIRUVALLUR DISTRICT.
- 2 THE SUPERINTENDENT OF POLICE (SOUTH)
ARIYANKUPPAM PUDUCHERRY.
- 3 THE STATION HOUSE OFFICER
THAVALAKUPPAM POLICE STATION THAVALAKUPPAM
PUDUCHERRY.
- 4 THE SUPERINTENDENT OF POLICE
ARIYALUR DISTRICT.
- 5 THE INSPECTOR OF POLICE
ANDIMADAM POLICE STATION ARIYALUR DISTRICT.
- 6 THE INSPECTOR OF POLICE (CRIME) K.K.NAGAR
POLICE STATION CHENNAI.
- 7 THE INSPECTOR OF POLICE T-13 KUNDRATHUR
POLICE STATION KUNDRATHUR CHENNAI.
- 8 DEPUTY COMMISSIONER OF POLICE,
MYLAPORE CHENNAI.
- 9 INSPECTOR OF POLICE
J4 KOTTURPURAM POLICE STATION KOTTURPURAM
CHENNAI.
- 10 THE STATION HOUSE OFFICER
KIRUMBAKKAM POLICE STATION PUDUCHERRY.
- 11 THE INSPECTOR OF POLICE
VADAPONPARAPPI POLICE STATION
VILLUPURAM DISTRICT.
- 12 THE SUPERINTENDENT OF POLICE
THIRUPUR DISTRICT
- 13 THE INSPECTOR OF POLICE
PALLADAM POLICE STATION TIRUPPUR DISTRICT
- 14 THE INSPECTOR OF POLICE
PALLAVARAM POLICE STATION PALLAVARAM
- 15 INSPECTOR OF POLICE
ERUMAPATTI POLICE STATION
NAMAKKAL DISTRICT.

- 16 THE INSPECTOR GENERAL OF POLICE,
UNION OF TERRITORY, PUDUCHERRY.
- 17 THE SENIOR SUPERINTENDENT OF POLICE
(LAW & ORDER) UNION OF TERRITORY, PUDUCHERRY.
- 18 THE STATION HOUSE OFFICER,
UNION OF TERRITORY,
METTUPALAYAM POLICE STATION,
PUDUCHERRY.
- 19 THE SUPERINTENDENT OF POLICE
VILLUPURAM DISTRICT.
- 20 THE INSPECTOR OF POLICE
F4- KILIYANUR POLICE STATION VILLUPURAM
DISTRICT.
- 21 THE COMMISSIONER OF POLICE
GREATER CHENNAI
VEPERY CHENNAI-600 007.
- 22 THE INSPECTOR OF POLICE-7
AVADI TANK FACTORY POLICE STATION,
AVADI CHENNAI-600 054.
- 23 THE INSPECTOR OF POLICE
THOOTHUR POLICE STATION THOOTHUR
ARIYALUR TALUK & DISTRICT.
- 24 THE INSPECTOR OF POLICE,
MAPPEDU POLICE
STATION THIRUVALLUR DISTRICT.
- 25 THE INSPECTOR OF POLICE,
THIRUPATHUR TOWN
POLICE STATION, VELLORE DISTRICT.
- 26 THE INSPECTOR POLICE LAND GRABBING CELL,
DISTRICT POLICE OFFICE, NETHIMEDU,
SALEM.
- 27 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1cc to Mr.D.Padmanabhan, Advocate, S.R.No. 66710
+1cc to Mr.V.Vasantha Kumar, Advocate, S.R.No. 66593
+1cc to Mr.C.Girishbabu, Advocate, S.R.No. 66767
+1cc to Mr.R.Subramaniam, Advocate, S.R.No. 66578
+1cc to Mr.D.Dayalan, Advocate, S.R.No. 65977

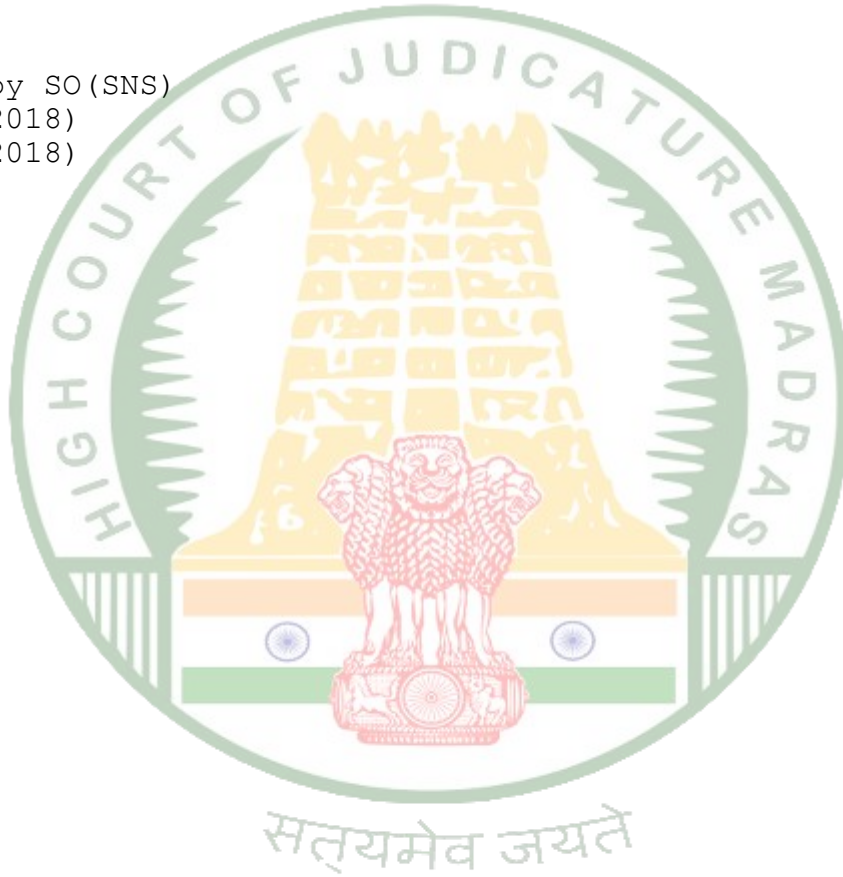
+1cc to Mr.B.Mahendra Naidu, Advocate, S.R.No.66129
+1cc to Mr.T.Balachandran, Advocate, S.R.No. 66055
+1cc to Mr.R.Raja Rajan, Advocate, S.R.No. 65998

+1cc to the Government Pleader/Public Prosecutor for
Pondicherry, S.R.No. 66235

**** To be substituted to the Order already despatched**

CrI.O.P.No.22018 of 2018 etc., batch cases

RGN(CO)
Compared by SO(SNS)
GN(26/10/2018)
GN(13/11/2018)



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