

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 24.09.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P.No.22617 OF 2018

V.Parasuraman

.. Petitioner

versus

1.State rep by

Superintendent of Police,
Sathuvachari, Vellore, Vellore District.

2.Deputy Superintendent of Police,
Arakkonam,
Vellore District.

3.Inspector of Police,
Arakkonam Taluk Police Station,
Vellore District.

.. Respondents

Prayer: This petition is filed under Section 482 Cr.P.C., praying to pass an order of Direction to Direct the respondents to alter the FIR in Crime No.426 of 2017 on the file of the 3rd respondent and pass necessary orders.

For Petitioner : Mr.S.Shanmugam

For Respondents : Ms.M.Prabhavathi
Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondents to alter the FIR in Crime No.426 of 2017 on the file of the 3rd respondent and pass necessary orders.

2.The learned counsel for the petitioner has submitted that the petitioner has filed a petition in Crl.O.P.No.14565 of 2017 to direct the 3rd respondent to register a case based on the complaint given by the petitioner dated 29.06.2017 and the said petition was allowed by this court by the order dated 02.08.2017. He further submitted that as per the said order, the 3rd respondent has to register a case, based on the complaint given by the petitioner dated 29.06.2017 and instead of that the 3rd respondent has independently registered an FIR in Crime No.426 of 2017 under Sections 145 and 107 of Cr.P.C. by showing the petitioner as A-party. He further submitted that as per the order passed by this Court in Crl.O.P.No.14565 of 2017, the 3rd respondent has to register a case only against the opposite party under the relevant provisions of law and hence, the 3rd respondent may be directed to alter the FIR, in Crime No.426 of 2017.

3.The learned Additional Public Prosecutor has submitted that as per the order passed by this court in Crl.O.P.No.14565 of 2017, the 3rd respondent has registered an FIR in Crime No.426 of 2017 and therefore, the 3rd respondent has complied with the order of this court and there is no necessity to direct the 3rd respondent to alter the FIR.

4. A perusal of the order passed by this Court in CrI.O.P.No.14565 of 2017 dated 02.08.2017 shows that the petitioner herein has filed the said O.P. seeking direction to the respondents to register an FIR on the basis of the complaint dated 29.06.2017. This court, after hearing both sides, has directed the 3rd respondent to conduct preliminary enquiry and register a case, if the enquiry reveals any cognizable offence and with the said directions, the said petition was allowed. As per the aforesaid direction of this court, the 3rd respondent has to conduct enquiry on the petitioner's complaint, only for the purpose of ascertaining whether any cognizable offence is made out or not. If the cognizable offence is made out, he ought to have register a case. In case, no cognizable offence is made out, he ought to have close the complaint and inform the petitioner and instead of doing so, he has registered the FIR under Sections 145 and 107 of Cr.P.C. on 03.10.2017, as if there is likelihood of disturbance of public peace. It also appears that after registering the said FIR, the 3rd respondent has not taken any steps to initiate any proceedings before the concerned Executive Magistrate. It appears that after registering the case, he simply keeping quiet. Therefore, the 3rd respondent is directed to comply with the orders passed by this court in CrI.O.P.No.14565 of 2017 dated 02.08.2017 and dispose of the petitioner's complaint within a week from the date of receipt of copy of this order.

With above directions, this petition is disposed of.
jen/gya

Sd/-
Assistant Registrar(CCC)

//True Copy//

सत्यमेव जयते Sub Assistant Registrar

To

- 1.The Superintendent of Police
Sathuvachari, Vellore
- 2.The Deputy Superintendent of Police
Arakkonam, Vellore
- 3.The Inspector of Police
Arakkonam Taluk Police Station, Vellore.
- 4.The Public Prosecutor
High Court of Madras.

+1cc to Mr.A.M.Ravichandran, Advocate SR.NO.65707

+1cc to Mr.A.M.Ravichandran, Advocate SR.NO.65707 dt.17.10.18