

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.12.2018

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.29722 of 2018

D.Maheshwari

... Petitioner

-vs-

The State Rep. by
The Inspector of Police (L&O),
P-6, Kodungaiyur Police Station,
Kodungaiyur, Chennai-600 118.

... Respondent

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure to direct the Respondent Police to seize the three number of mobile phones belongs to the Petitioner from the culprits and to secure them and filing of Charge Sheet before the court of law pertaining to the FIR in P-6 Crime No.1368 of 2018 pending on the file of the Respondent Police.

For Petitioner : Mr.P.K.Murali

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed seeking for a direction to respondent police to seize the mobile phone and also to secure the accused persons against whom an FIR is pending in Crime No.1368 of 2018.

- 2.The learned counsel for the petitioner would submit that the petitioner has been continuously harassed, abused and attacked by the accused persons and there are atleast three cases pending against them in Crime Nos.171, 1368 and 816 of 2018. In one of the cases, a final report has also been filed and the same has been taken on file in C.C.No.5020 of 2018 before the IInd Metropolitan Magistrate's Court, Allikulam, Egmore, Chennai.
- 3.

3. The learned counsel would submit that, since there is no progress in the investigation, the accused person are continuing to harass and attack the petitioner and as a result of which, the petitioner's right hand has also been broken and the same resulted in the latest FIR registered in Crime No.1368 of 2018. The learned counsel therefore submits that the accused persons will have to be arrested and articles will have to be seized from them.

4. The learned Additional Public Prosecutor would submit that the respondent police is in the process of investigation. If the respondent police is able to get sufficient materials in the course of the investigation, immediate action will be taken against the accused persons in accordance with law.

5. It is seen from records that there is a long standing dispute between the parties which has resulted in three FIRs being registered against the accused persons based on the complaint given by the petitioner. The latest complaint reveals that the petitioner who is a lady, has been attacked and she has sustained injuries in her right hand.

6. This Court cannot issue any positive direction with regard to the arrest of the accused persons, since it is within the realm of investigation. However, this Court expects the respondent police to immediately take action against the accused persons in the pending FIR and ensure that normalcy is restored and there is no further threat caused to the petitioner.

7. This Criminal Original Petition is disposed of with a direction to the respondent police to proceed further with the investigation effectively in Crime No.1368 of 2018 and file a final report as expeditiously as possible.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssr/kal

To

1. The Inspector of Police (L&O),
P-6, Kodungaiyur Police Station,
Kodungaiyur, Chennai-600 118.

2. The Public Prosecutor,
High Court, Madras.

+2cc to Mr.P.K.Murali, Advocate, S.R.No.88287

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PPA(CO)

GSP(28/01/2019)