



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2018

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THE HON'BLE MR.JUSTICE P. RAJAMANICKAMCrl.O.P.(MD) No.1461 of 2018

R. Balakrishnan

... Petitioner

-Vs-

1.The Superintendant of Police,
Kanyakumari District,
Nagercoil.

2.The Inspector of Police,
Nesamony Nagar Police Station,
Nagercoil,
Kanyakumari District.

... Respondents

Prayer: This Criminal Original petition is filed under Section 482 of Code of Criminal Procedure, to direct the second respondent to register a case on the basis of the complaint dated 14.11.2017.

For Petitioner : Mr.M.Suri

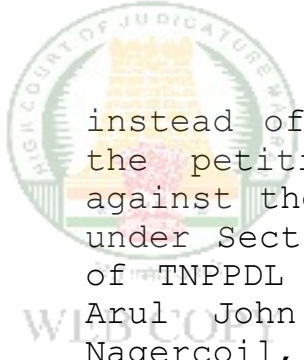
For Respondents : Mr.Prabhu Ramachandran

Government Advocate (Crl. Side)

ORDER

This petition has been filed to direct the second respondent to register a case, based upon the complaint given by the petitioner, dated 14.11.2017.

2. The learned counsel appearing for the petitioner has submitted that the petitioner is a Highways Contractor and he took contract to widen the highways and in pursuance of the said contract, he has widened the highways on 30.10.2017 and at that time, one Mr. Arul John Wisely Raj, Inspector of Police, attached to the Traffic Wing, Nagercoil, intervened and abused the petitioner in filthy language and also criminally intimidated him and hence, he lodged a complaint before the Inspector of Police, Nesamony Nagar Police Station, Nagercoil, but, the said Inspector of Police refused to receive the complaint and he also abused the petitioner and hence, the petitioner gave a complaint before the first respondent / Superintendant of Police and the same has been forwarded to the second respondent. He further submitted that



instead of registering a case based upon the complaint given by the petitioner, the second respondent has registered a case against the petitioner in Crime No. 444 of 2017, for the offences under Sections 294(b), 353, 506(ii) of IPC and under Section 3(1) of TNPPDL Act, based upon the complaint given by the said Mr. Arul John Wisely Raj, Inspector of Police, Traffice Wing, Nagercoil, as if the petitioner has damaged the traffic signal. He further submitted that the second respondent may be directed to register a case, based upon the complaint given by the petitioner.

3. The learned Government (Crl. Side) appearing for the respondents has submitted that the petitioner has damaged the Traffic signal by using JCB and hence, a case has been registered against the petitioner in Crime No. 444 of 2017, for the offences under Sections 294(b), 353, 506(ii) of IPC and under Section 3(1) of TNPPDL Act. He further submitted that enquiry is pending with regard to the complaint lodged by the petitioner.

4. Considering the aforesaid submissions, the second respondent is directed to expedite the enquiry and if the enquiry reveals any cognizable offence, then, he has to register a case and proceed in accordance with law.

5. With the aforesaid observations, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Kanyakumari District,
Nagercoil.
2. The Inspector of Police,
Nesamony Nagar Police Station,
Nagercoil,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO MR.M.Suri, ADVOCATE IN SR No.45125
MK/SV MMS/SAR-1/08.02.2018/2P/5C