

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 22.01.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.1490 of 2019

J.Sundaram

... Petitioner

-Vs-

1. The Commissioner of Police,
Greater Chennai,
E.V.K.Sampath Road,
Vepery, Chennai - 600 007.

2. The State Rep,
By Inspector of Police ,
G1, Vepery Police Station,
Egmore, Chennai - 600 007.

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C, to direct the 2nd respondent to arrest Mrs.Sandhya and Mrs.Preetiraj, the prime accused who have committed offences in Crime No.456 of 2018 registered on the file of G1 Police Station and as per in the complaint given by the petitioner dated 09.01.2019.

For Petitioner : M/s.My Lord Law Associates
T.R.C.Venghatesh

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

सतममेन जयते
ORDER

This Criminal Original Petition has been filed seeking a direction to the respondent police to arrest the accused persons against whom the FIR is pending in Crime No.456 of 2018. An FIR has been registered by the respondent police against the accused persons for an offence under Sections 406, 420, 468 and 471 of IPC.

2. The learned counsel for the petitioner submitted that there is absolutely no progress in the investigation and the accused persons have already filed anticipatory bail petition twice before the Principal and Sessions Court, Chennai in Cr1.M.P.Nos. 50 and 707 of 2019 and both these petitions are dismissed. In spite of the same, police have not taken any action to arrest the accused persons. Therefore, the present petition has been filed before this Court.

3. The prayer as sought for by the petitioner cannot be granted by this Court, since the power of arrest is guided by legal principles. It is a power which has to be resorted to by the respondent police in the course of investigation, if it is absolutely necessary. Therefore, discretion is left open to the respondent police to take a decision in that regard. If the guidelines given by the Hon'ble Supreme Court and this Court are satisfied, it is always open to the respondent police to take appropriate action against the accused persons.

4. This Criminal Original Petition is disposed of with the above observations.

Sd/-
Assistant Registrar(CS)
//True Copy//
Sub Assistant Registrar

ssr/kal

To

1. The Commissioner of Police,
Greater Chennai,
E.V.K.Sampath Road,
Vepery, Chennai - 600 007.
2. The State Rep,
By Inspector of Police (Law & Order),
G1, Vepery Police Station,
Egmore, Chennai - 600 007.
3. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.My Lord Law Associates , Advocate SR.No. 4426

Cr1.O.P.No.1490 of 2019

A.SK(24/01/2019)

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