

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2019

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.2306 of 2019

D.Gopi

... Petitioner

Vs.

- 1.The Commissioner of Police,
Greater Chennai,
No.132, Police Commissioner Building,
EVK Sampath Road,
Vepery, Chennai - 600 007.
- 2.The Additional Commissioner of Police - North,
O/o. The Commissioner of Police,
Greater Chennai,
No.132, Police Commissioner Building,
EVK Sampath Road,
Vepery, Chennai - 600 007.
- 3.The Deputy Commissioner of Police,
Anna Nagar District,
6th Avenue, P Block,
Anna Nagar, Chennai - 600 040.
- 4.The Inspector of Police,
K-3, Police Station,
Amanjikarai,
Chennai - 600 029.

5.Dr.Rajesh Jaganadhan

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the Commissioner of Police to take disciplinary action against the fourth respondent for having acted exceedingly beyond his power and jurisdiction in order to favour the fifth respondent and also in confiscating his vehicle from the petitioner premises without his knowledge.

For Petitioner : Mr.R.Abubucker

For R1 to R4 : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

For R5

: Mr.K.P.Anantha Krishnan

O R D E R

The prayer sought for in the Criminal Original Petition is to direct the Commissioner of Police to take disciplinary action against the fourth respondent for having acted exceedingly beyond his power and jurisdiction in order to favour the fifth respondent and also in confiscating his vehicle from the petitioner premises without his knowledge.

2.The learned counsel for the petitioner submits that Dr.Rajesh, an employee called by name Devakanna lodged a complaint before K3 Police Station alleging that the Innova Car, which is under his possession is missing and the complaint is registered in C.S.R.No.451 of 2018. The said Dev Kanna has no locus standi or any authority to lodge such a complaint. Moreover the petitioner has also lodged a complaint on 25.06.2018 before K3 Police Station against the said Deva Kanna and Dr.Rajesh for having threatened the petitioner on 25.06.2018 to return the vehicle and about the settlement of shares, against which C.S.R.No.452 of 2018 was issued. Having felt that Dr.Rajesh is having some foul the petitioner filed Crl.O.P.Nos.17114 and 17115 of 2018 before this Court against the above said C.S.R. Nos. in which the police was directed not to arrest the petitioner.

3.Further submitted that while being so on 03.12.2018, upon receiving the complaint from Dr.Rajesh the local police attached to K3 Police Station has trespassed into his office situated at Door No.35/28, 1st main Road, Shenoy Nagar West, Chennai 600 030, while he was away towed his blue colour Innova Car bearing No.TN 02 AW 7090 without his knowledge and even without making any information to the petitioner about the confiscation of the property. It is not known as to what prompted the police to act so swiftly to hand over his vehicle to Dr.Rajesh without verifying the veracity of the allegation with reference to the records/version of both sides. Aggrieved against the action of the Police a detailed complaint was lodged by the petitioner before the Commissioner of Police, Chennai 03.01.2019 and the matter is pending for reason best known to them only, since the Dr.Rajesh has no authority to keep the vehicle under his custody even if he has anything as such he has to take remedy through civil Court only but not through illegal force.

4.Heard Mr.R.Abubucker, learned counsel for the petitioner and Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for the respondent Nos.1 to 4 and Mr.K.P.Anantha Krishan, learned counsel appearing for the fifth respondent.

5.It is seen that the petitioner lodged a complaint before the fourth respondent i.e. the Inspector of Police, K-3 Police Station, Amanjikarai, Chennai - 600 029 and the fourth respondent also issued C.S.R.Nos.451 and 452 of 2018.

6.Without going into the merits of the case, this Court is inclined to direct the fourth respondent to conduct enquiry on the complaint lodged by the petitioner after giving opportunity to the fifth respondent and pass appropriate orders on merits and in accordance with law, within a period of two weeks from the date of receipt of copy of this order.

7.With the above observations, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(Insp.cell)

//True copy//

Sub Assistant Registrar

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To

- 1.The Judicial Magistrate-II
(Fast Track Judicial Magisterial Level),
Coimbatore.1.The Commissioner of Police,
Greater Chennai,
No.132, Police Commissioner Building,
EVK Sampath Road,
Vepery, Chennai - 600 007.
- 2.The Additional Commissioner of Police - North,
O/o. The Commissioner of Police,
Greater Chennai,
No.132, Police Commissioner Building,
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- 3.The Deputy Commissioner of Police,
Anna Nagar District,
6th Avenue, P Block,
Anna Nagar, Chennai - 600 040.

4.The Inspector of Police,
K-3, Police Station,
Amanjikarai,
Chennai - 600 029.

5.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.R.Arubucker, Advocate SR.No.31388

Cr1.O.P.No.2306 of 2019

RSV(CO)
GMY(24/05/2019)



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