

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.02.2019

Coram

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.8557 of 2018

Dr.Sajeev Rangaswamy

... Petitioner

Vs.

1. The Inspector General of Police (IG)
West Zone
No.5, Dr.Abdur Rahim Road,
Coimbatore, Central,
Coimbatore - 18.
2. The Superintendent of Police
Coimbatore District,
Ram Nagar, Powai, Coimbatore.
3. The Commissioner of Police
Coimbatore City,
Hosur Road, Coimbatore - 18
4. The Inspector of Police,
Thondamuthur Police Station,
Coimbatore.
5. Bharath Sanchar Nigam Limited (BSNL)
Tamil Nadu Circle,
No.16, Greams Road, Chennai - 600 002.
6. Aircel Cellular Limited
Tamil Nadu Circle,
1562-A, Nalavind Hospital Compund,
Hope College
Peelamedu, Avinashi Road,
Coimbatore - 641 004.

... Respondents

Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the Respondents 1 to 3 to collect the cell phone tower I.D and tower location details from the Respondents 5 & 6 as specified in the Petitioner's representation dated 05.01.2018 and submit the same to the learned Judicial Magistrate - VI in Crime No.74 of 2017.

For Petitioner : Mr.M.Sivavarthanan

For R1 to R4 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking for a direction, to direct the Respondents 1 to 3 to collect the cell phone tower I.D and tower location details from the Respondents 5 & 6 as specified in the Petitioner's representation dated 05.01.2018 and submit the same to the learned Judicial Magistrate - VI in Crime No.74 of 2017.

2. The petitioner submits that he is a doctor by profession and he is a Surgeon and Managing Director of Kovai ENT Hospital. On 22.07.2017, he was arrested by the Inspector and Sub-Inspector of Police, Thondamuthur, without any reason was revealed by them for his arrest. Thereafter, the Petitioner came to know that one Vijay Kumar has given a complaint against him and an FIR in Crime No.74 of 2017 has been registered by the fourth respondent.

3. The petitioner further submits that he was presented before the Judicial Magistrate -VI, Coimbatore, at 2.00 p.m on the same day he was arrested, in the residence of the learned Magistrate and remanded to judicial custody, and subsequently, he was enlarged on bail by the Judicial Magistrate, by order dated 25.07.2017 in C.M.P.No.5633 of 2017. Thereafter, when the petitioner came to know about the nature of the complaint, he was shocked to know that the action taken by the Inspector and Sub-Inspector of Police, Thondamuthur, was on a false and frivolous complaint. The allegation in the said complaint is that the petitioner had borrowed Rs.5,00,000/- from the complainant and his mother-in-law and on 19.07.2017 at about 8.30.a.m, the petitioner threatened the complainant Vijaykumar and his mother-in-law and he pushed the Vijaykumar's mother-in-law and that the petitioner threatened them with dire consequences if they ask their money given as loan to the petitioner.

4. Moreover, the petitioner submits that he was unlawfully and illegally detained at his residence in Saravanapatti by the fourth respondent police who have no jurisdiction over the territorial limits of Saravanampatti area. Further, the petitioner submits that the entire sequence of events and its genuineness can be easily found if the cell phone call details of the person involved at the time of arrest of the petitioner and at the time of making the complaint. The fifth and sixth respondent herein are cell phone operators and they record the

location of each their customers by recording the cell phone tower range. The said details are maintained by the cell phone operators for one year and it is valuable information for investigation. If the details are collected from the cell phone operators, the truth will be revealed and the false city of the complaint and high handedness of the fourth respondent police will come to light. Therefore, the petitioner made a representation to the respondents 1 to 3 on 15.01.2018 and sought for details regarding tower I-D and tower location of the persons who were involved in Crime No.74/2017, but, till date no action has been taken by the respondents. Under these circumstances, the petitioner has filed this Criminal Original Petition, seeking for a direction to the Respondents 1 to 3 to collect the cell phone tower I.D and tower location details from the Respondents 5 & 6 as specified in the Petitioner's representation dated 05.01.2018 and submit the same to the learned Judicial Magistrate - VI in Crime No.74 of 2017.

5. Considering the above facts and circumstances of the case, this Court directs the fourth respondent to conduct the enquiry with regard to cell phone tower ID and tower location details of the petitioner and complete the enquiry and file a final report in Crime No.74 of 2017 within a period of three months from the date of receipt of a copy of this order.

6. Accordingly, this Criminal Original Petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Inspector General of Police (IG)
West Zone
No.5, Dr.Abdur Rahim Road,
Coimbatore, Central,
Coimbatore - 18.

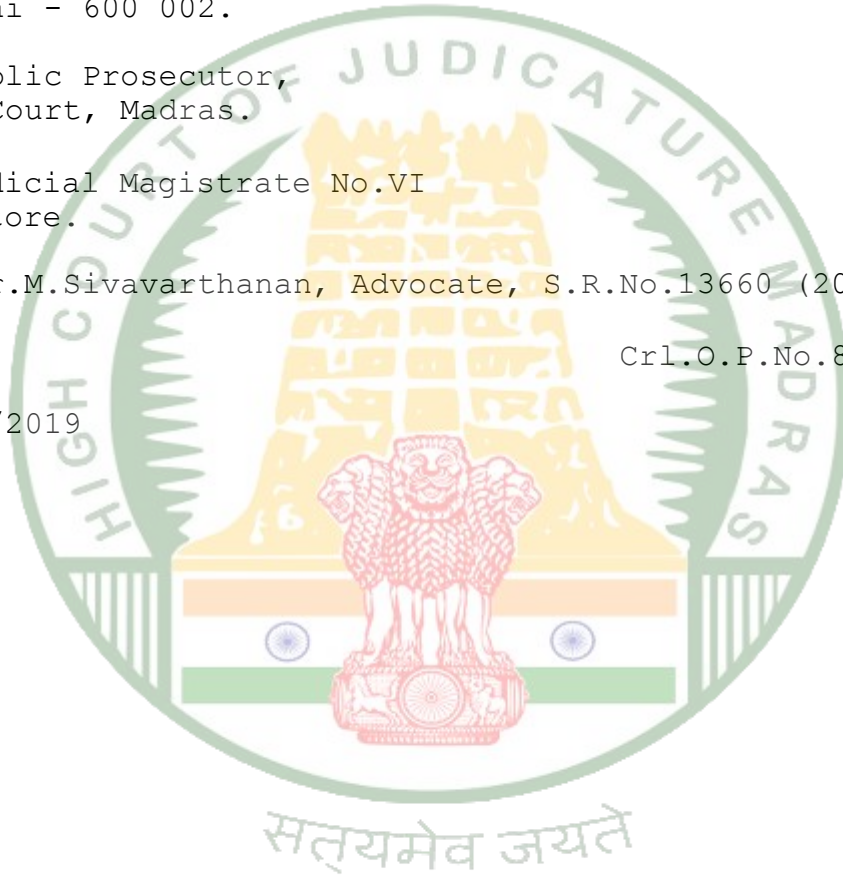
2.The Superintendent of Police
Coimbatore District,
Ram Nagar, Powai,
Coimbatore.

3. The Commissioner of Police
Coimbatore City,
Hosur Road,
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4. The Inspector of Police,
Thondamuthur Police Station,
Coimbatore.
5. The Bharath Sanchar Nigam Limited (BSNL)
Tamil Nadu Circle,
No.16, Greams Road,
Chennai - 600 002.
6. The Public Prosecutor,
High Court, Madras.
7. The Judicial Magistrate No.VI
Coimbatore.

+lcc to Mr.M.Sivavarthanan, Advocate, S.R.No.13660 (20/03/2019)

Crl.O.P.No.8557 of 2018

rrs 13/03/2019



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