



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2019

CORAM :

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHANCRL.O.P. (MD) No.4302 of 2015

WEB COPY

T.Rajan

... Petitioner

Vs.

1. The Superintendent of Police,
Kanyakumari District,
at Nagercoil.
2. The Inspector of Police,
Thuckalay Police Station,
Thuckalay, Kanyakumari District.

3. The Additional Director General of Police,
CBCID, 220, Pantheon Road,
Egmore, Chennai - 600 008.

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Cr.P.C., to direct the third respondent herein to launch prosecution against the erred police persons belong to the Special Team of the first respondent by transferring the investigation of the petitioner's complaint dated 13.10.2014 from respondents 1 and 2 to the third respondent herein.

For Petitioners : Mr.L.Shaji Chellan,
for Mr.D.Srinivasaraghavan.
For Respondents : Mr.A.Robinson,
Government Advocate.

ORDER

The petitioner herein is the nephew of one Selvaraj. The said Selvaraj appears to have been a victim of police atrocity. He therefore lodged a complaint against the concerned police personnel. Since no action was taken, he filed Crl.O.P.(MD) No.14513 of 2014. In order to compel the said Selvaraj to withdraw the said Criminal Original petition, a special team of police personnel are said to have barged into the house of the petitioner herein. Since Selvaraj was not to be found in the house, the petitioner became the target of their. According to the petitioner, he was brutally beaten up and that he sustained multiple injuries. He is said to have taken treatment as an outpatient for about six days. He had to take treatment for almost three months. This issue was prominently published in the media. The petitioner after recovering from his injuries lodged a complaint dated 13.10.2014. The petitioner has also enclosed the wound certificates, dated 26.09.2014. The jurisdictional police station is Thuckalay police station. Even though the complaint disclosing the column of cognizable offence was



received, no First Information Report was registered. The omission on the part of the police is clearly in defiance of the ratio laid down by the Hon'ble Supreme Court in the decision reported in (2014) 2 SCC 1 (Lalita Kumari V. Government of U.P. and others).

2. Therefore, the second respondent is directed to register the First Information Report based on the complaint dated 13.10.2014 submitted by the petitioner herein. A copy of the First Information Report will also have to be issued to the petitioner. Investigation in this case will be directly and personally monitored by the Superintendent of Police, Kanyakumari District at Nagercoil.

3. With this direction, the Criminal Original petition stands allowed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

pmu

To

1. The Superintendent of Police,
Kanyakumari District,
at Nagercoil.
2. The Inspector of Police,
Thuckalay Police Station,
Thuckalay, Kanyakumari District.
3. The Additional Director General of Police,
CBCID, 220, Pantheon Road,
Egmore, Chennai - 600 008.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.D.SRINIVASARAGAVAN, Advocate (SR-90426[F] dated 30/09/2019)

CRL.O.P.(MD)No.4302 of 2015
27.09.2019

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