

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Crl.O.P.No.25858 of 2010

and

MP.Nos. 1 & 2 of 2010

Dr.Vellaithurai
Deputy Superintendent of Police,
Anti Rowdy Cell,
I.G.Office, Trichy.
Now working as Assistant
Commissioner of Police,
Organized Crime Intelligence Unit,
DGP Office,
Mylapore, Chennai. Petitioner /Accused

Vs

P.Ravi @ Mattu Ravi Respondent /Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to call for the records in P.R.C.No.8 of 2010, on the file of the Judicial Magistrate Court, Thiruvavur and quash the same.

For Petitioner : Mr.N.R.Elango, SC for
M/S.R.Vivek Anantham

For Respondent : No Appearance

ORDER

This petition was listed on 16.12.2017 and the Registry was directed to print the name of the learned counsel who filed vakalath on behalf of the petitioner and list the matter on 18.12.2017 and from the said date, the matter has been adjourned from time to time and there has been no representation on behalf of the respondent respondent/defacto complainant. Hence the police informed to the defacto complainant in person, however, even thereafter no one appeared. Hence this Court decided to pass orders on merits based on the materials available on record.

2. This Criminal Original Petition has filed by the petitioner, praying to call for the records in P.R.C.No.8 of

2010, on the file of the Judicial Magistrate Court, Thiruvarur and quash the same.

3. The case of the petitioner is that the respondent filed a private complaint on 01.07.2008 under section 190 of Cr.P.C before the Judicial Magistrate Court, Thiruvarur and the same was taken on file in P.R.C No.8 of 2010 for alleged offences under Sections 323, 324, 326, 341, 342, 363, 506 (ii) 307 IPC, under Section 3(2) (v) of Scheduled caste and Scheduled tribe (Prevention of atrocities Act) and in the private complaint it is alleged that the respondent /defacto complainant is an organizing Secretary of "Tamilar Thanmana Peravi" for the purpose of organization, he is working for the betterment of the poor and downtrodden in society and the respondent claiming himself that he is a social worker to work for the welfare of the society. Accordingly, he used to participate in many agitations for the social welfare mainly for the poor and downtrodden persons. While so, on 01.11.2001 one Dhanasekaran was murdered in Police custody at Thiruvarur Town Police Station, the respondent and the members of Thamilar Thanmana Peravai shouted slogans and also conducted several agitations against the police officials and their atrocities against the Law abiding citizen and demanded enquiry and to bring and book those who are responsible for the murder of said Dhanasekaran. The murder case of said Dhanasekaran was investigated by the local police and one Mr. Sheik Dawood the Secretary of Thamilar Thanmana Peravai filed an application before this Court for transferring the investigation of the above case to C.B.I. in CrI.O.P.No.4199 of 2002 and the said case is still pending before this Court and the respondent was pressurized by the police to withdraw the said case filed by the said Sheik Dawood. It is further alleged that the respondent had refused to withdraw the above said application for transfer from this Court. The Police official conspired together and initiated several false cases against the complainant and it is further alleged that the respondent / complainant attended the case foisted by the police before the Judicial Magistrate Thiruvarur on 26.08.2004 and stood in the Varanda in the said Court, the police arrested the respondent along with other accused and registered a case in Cr.NO.373 of 2004 on the file of Tiruvarur Police Station and lodged at Trichy Central Prison. It is further alleged that the respondent / complainant was granted bail by this Court on 31.07.2006 in CrI.O.P.No.13221 of 2006 and the respondent was released on 10.10.2006 and he was complying the condition as per condition imposed by this Court and signing twice daily at 8.30 a.m. and 7.30 p.m. in Thiruvarur town police in respect of said Cr.No.373 of 2004. It is further alleged that before that bail application, as the respondent faced en-counter threats from the police officials/accused, the respondent's wife filed a Writ petition before this Court in WP.No.37241 of 2006 and on 11.10.2006 this Court directed the first and second

respondent to conduct a detailed enquiry regarding the encounter threats. It is further alleged that on 26.10.2006, the respondent went to the Thiruvavarur Town Police Station for signing as per order of this Court and as soon as he arrived police station, he was arrested by respondent police and taken to the TATA Sumo Jeep which was brought up by Police and this occurrence was witnessed by respondent's advocate and public standing in front of the police station. Thereafter one Karthikeya, Advocate asked the S.I. of Police Mr.Charles Nepolean in respect of the said occurrence, the S.I. simply said that the respondent was taken by Special Team headed by I.G. for interrogation and further alleged that he was taken to Thiruvavarur Armed Reserve Police Campus, A.R. ground, Thirupattur and was brutally attacked the respondent complainant. Immediately thereafter the respondent complainant filed a Habeas corpus Petition in H.C.P.No.1081/2006 and thereafter, the respondent /complainant was released by the said police. Thereafter, the respondent filed the present complaint against the police officials including the petitioner. Challenging the said complaint the first accused in the complaint filed the present petition before this Court.

4. Mr. N.R.Elango, learned senior counsel appearing for the petitioner would submit that the petitioner is the Inspector General of Police and he assailed many tasks in order to control rowdy activities in and around of Tamil Nadu. He inspected various stations and he did his best of functioning to control the law and order in the places of Tamil Nadu wherever he was posted. While so, the respondent is facing nearly 14 cases out of which 3 murder cases and for other offences are heinous in nature and when the respondent was involved in nearly 14 robbery cases, it is necessary for the Station house officer concerned to interrogate the petitioner in order to avoid further committal of offences and the respondent has filed private complaint for the purpose of drag on the criminal proceedings and further it is purely false complaint. The learned Sessions Senior counsel would draw the attention of this Court to paragraph 6 of the order passed by this Court dated 23.08.2007 in H.C.P.No.1163 of 2010 and would submit that even a perusal of the order itself makes it clear that allegation made in the complaint is baseless and this Court appointed a District and Sessions Judge, Nagapattinam to conduct an enquiry and file report before the Division Bench of this Court. Accordingly the learned Judge filed a report on 16.03.2007 and rendering a finding to the effect that the version given by the respondent /complainant regarding the manner in which he sustained injuries by an act of force upon him by Vellaidurai (the petitioner herein) and another does not appear to be convincing. Relying upon this categoric view, the learned Senior Counsel prays this Court to allow this petition.

5.Considering the facts and circumstance of the case and the submissions put forth by the learned Senior counsel and also in view of the above narrated facts and on perusal of the order passed by Division Bench of this Court dated 23.08.2007 in H.C.P.No.1163 of 2006, this Court is of the view that complaint filed by the respondent which was taken on file as PRC 8 of 2009 on the file of the Judicial Magistrate Court, Thiruvarur, is baseless and no ingredients are made out to proceed against the petitioner and therefore, the same is liable to be quashed. Accordingly this Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

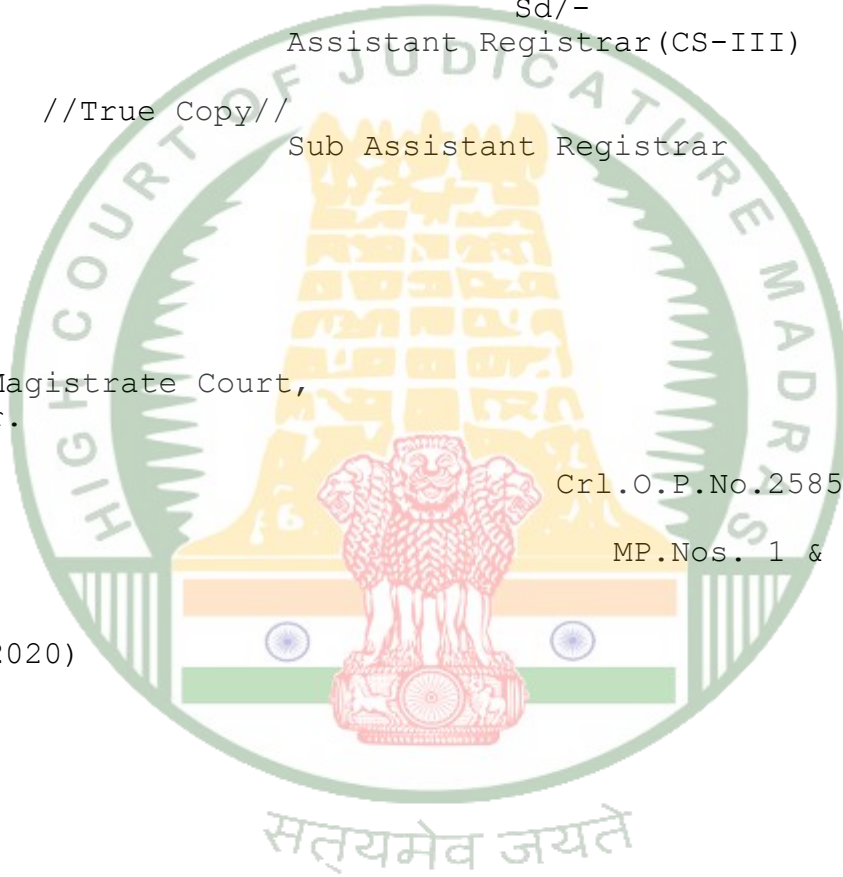
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To

Judicial Magistrate Court,
Thiruvarur.

Crl.O.P.No.25858 of 2010
and
MP.Nos. 1 & 2 of 2010

RK(CO)
CB(21/02/2020)



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