



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.06.2020

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THE HONOURABLE MR.JUSTICE B.PUGALENDHI

Cr1.O.P(MD)No.5735 of 2020

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A.Thangadurai

... Petitioner

Vs

1.The Superintendent of Police,
District Police office,
Tenkasi District.

2.The Deputy Superintendent of Police,
Sankarankoil Sub-Division,
N.G.O.Colony,
Tenkasi District.

3.The Station House Officer,
Sankarankoil Town Police Station,
Rajapalayam Main Road,
N.G.O.Colony,
Sankarankoil,Tenkasi District.

...Respondents

Prayer: Petition filed under Section 482 of the Criminal Procedure Code, for issuance of a direction to the third respondent to register a case as per the orders of the learned Judicial Magistrate, Sankarankoil passed in Cr.M.P.No.183 of 2020, dated 24.01.2020 and further direct the 1st respondent to depute an officer not below the rank of a Deputy Superintendent of Police to investigate the case and file a final report within the time limit as specified by this Court.

For Petitioner
For Respondents

: Mr.A.Kannan
: Mr.K.K.Ramakrishnan,
Additional Public Prosecutor

ORDER

This petition is filed for a direction to direct the third respondent to register a case as per the orders of the learned Judicial Magistrate, Sankarankoil in Cr.M.P.No.183 of 2020, dated 24.01.2020.

2.According to the petitioner, he earlier sent a complaint by registered post to Sankarankoil Town Police Station on 04.11.2019 with an averment as against the Inspector of Police and other officials that on 22.09.2019, when he was travelling in a two wheeler, the Sub Inspector of Police, Sankarankoil Town Police Station, along with other Police officials intercepted his vehicle and directed him to produce the documents pertaining to the vehicle.



The petitioner admittedly was not having the documents, since the same was destroyed due to rain and therefore, he attempted to produce the copies of those documents which were in digital form in his mobile. The Sub Inspector of Police, did not accept the same, slapped him on his cheek and also beat him heavily.

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3.It is the further case of the petitioner that they have also registered a case for drunken drive and when he had not at all consumed liquor. The Doctor at Sankarankoil, Government Hospital refused to issue certificate that the petitioner was under the influence of alcohol. The petitioner sustained injuries and therefore, he was admitted as an inpatient at Sankarankovil Government Hospital from 22.09.2019 and was given treatment till 26.09.2019. For further treatment, he was also referred to the Palayamkottai Government Medical, College Hospital, where the petitioner took treatment from 26.09.2019 to 30.09.2019.

4.The learned Counsel for the petitioner would submit that the third respondent Sub Inspector of Police, persuaded other officers and foisted a false case in Crime No. 406 of 2019 on 22.09.2019 as against the petitioner. Since the petitioner also sustained serious injuries, he lodged a complaint against the Police Officers on 04.11.2019. As the complaint was made against the Police Officers, who are working in the same Police Station, the respondent Police failed to register the same and therefore, the petitioner filed an application under Section 156(3) of CrPC, before the learned Judicial Magistrate, Sankrankoil in Cr.M.P.No.183 of 2020. The same was ordered by the learned Judicial Magistrate on 24.01.2020 with a direction to the Inspector of Police, Sankarankoil Town Police Station to investigate the complaint, register an FIR and submit a report.

5.The learned Counsel for the petitioner would further submit that the petitioner made the complaint as against the Inspector of Police, Sankarankoil also and the direction was issued to the same Inspector of Police to register a case. But, the Inspector of Police has not registered the case and therefore, he filed the present petition for a direction to the first respondent Superintendent of Police, Tenkasi District to depute an Officer, not below the rank of Deputy Superintendent of Police to investigate the case and file the final report within the time fixed by this Court.

6.Mr.K.K.Ramakrishnan, learned Additional Public Prosecutor would submit that the petitioner has made allegations as against the Inspector of Police also and therefore, an application was filed before the learned Judicial Magistrate to clarify the order for a direction to some other Police Station and the said application could not be taken for hearing due the present COVID-19 Pandemic.

7.This Court paid its best attention to the rival submissions

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and also perused the materials available on record.

8.The petitioner has made certain allegations against the Police Officers and the learned Judicial Magistrate after satisfying, prima facie, with the materials placed before the Court has also issued a direction to the concerned Inspector of Police to investigate the complaint, register and to report.

9.Under such circumstances, this Court, without expressing anything on the merits of the case, directs the first respondent to order for an investigation and register a case by some other police station other than the Sankarankoil Town Police Station and entrust the investigation to an officer not below the rank of Deputy Superintendent of Police, since, the allegations are made against the Inspector of Police and other Police officials of Sankarankoil Town Police Station.

10.With the above direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

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Sub Assistant Registrar(CS)

dsk

To

- 1.The Superintendent of Police,
District Police office,
Tenkasi District.
- 2.The Deputy Superintendent of Police,
Sankarankoil Sub-Division,
N.G.O.Colony,Tenkasi District.
- 3.The Station House Officer,
Sankarankoil Town Police Station,
Rajapalayam Main Road,
N.G.O.Colony,Sankarankoil,Tenkasi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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AP(02/07/2020) 3P 5C

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