



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.07.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P. (MD)No.7669 of 2020

Balaguru

... Petitioner

Vs.

1.The Superintendent of Police,
Thoothukudi District, Thoothukudi.

2.The Inspector of Police,
Muthaiyapuram Police Station,
Thoothukudi District, Thoothukudi.

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the first respondent to appoint some other officer not below the rank of Deputy Superintendent of Police to investigate the complaint made by the petitioner dated 15.06.2020 to the first respondent.

For Petitioner	:	Mr.R.Babu Jaganath
For Respondents	:	Mr.S.Chandrasekar
		Additional Public Prosecutor

O R D E R

This criminal original petition has been filed seeking a direction to direct the first respondent to appoint some other competent person other than the second respondent, for example not below the rank of Deputy Superintendent of Police, to investigate the complaint given by the petitioner dated 15.06.2020.

2.The learned counsel appearing for the petitioner would submit that though the petitioner made allegation against the second respondent, the first respondent herein forwarded the complaint given by the petitioner to the second respondent for redressing the grievance having by the petitioner. Hence, it is necessary to appoint some other competent Officer, not below the rank of Deputy Superintendent of Police, to enquire the complaint given by the petitioner, dated 15.06.2020.

3.The learned Additional Public Prosecutor appearing for the respondents, on instructions, would submit that the complaint given by the petitioner dated 15.06.2020 was forwarded by the first respondent to the second respondent for enquiry. On receipt of the complaint given by the petitioner, the second respondent, after assigning serial number, sent a summon dated 06.07.2020, under Sections 160 and 91 Cr.P.C., to the petitioner to appear before him for enquiry. After receiving the summon sent by the second



respondent, instead of appearing before him on 10.07.2020, the petitioner approached this Court by way of filing this petition, for the relief stated supra, which is unnecessary.

4.Upon considering the arguments advanced by the learned counsel appearing on either side, though the petitioner made allegation against the respondent, in order to prove the same, he has not produce any substantive document in support of his claim. Therefore, it cannot be said that during pendency of the enquiry, the second respondent acting in favour of the persons, who are made inconvenience to the petitioner.

5.However, considering the facts and circumstances of the case, it is appropriate to give a direction to the Deputy Superintendent of Police, Thoothukudi, to monitor the enquiry pending with the second respondent, which was initiated on the complaint given by the petitioner, dated 15.06.2020. This criminal original petition is disposed of, accordingly.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gns

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Superintendent of Police,
Thoothukudi District, Thoothukudi.
- 2.The Deputy Superintendent of Police,
Thoothukudi.
- 3.The Inspector of Police,
Muthaiyapuram Police Station,
Thoothukudi District, Thoothukudi.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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SPU(07.08.2020) 2P 5C

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