



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.07.2021

CORAM:

THE HON'BLE MR. JUSTICE M. NIRMAL KUMAR

CRL.O.P.No.11423 of 2021

Kamalakannan

... Petitioner

Versus

The State,
Rep.by the Inspector of Police,
P2 Otteri Police Station,
Chennai - 600 012.
(Crime No.603 of 2019)

... Respondent

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent to expedite the investigation of the case in Crime No.603 of 2019 on the file of the respondent- Inspector of Police, P2 Otteri Police Station, Chennai - 600012.

For Petitioner : Mr. M.Aravind kumar

For Respondent :Mr.E.Raj Thilak
Counsel for
Government of Tamil Nadu (Crl.side)

ORDER

The petitioner is the de-facto complainant in Crime No.603 of 2019, and he had lodged a complaint for the offences under Sections 294(b), 323 and 506(i) of IPC., who has filed this petition.

2.It is the contention of the petitioner that he was seriously injured and got admitted in the Stanley Government Hospital, thereafter, he was admitted as in-patient in the said hospital for treatment. While taking treatment as in-patient in the Stanley Government Hospital, Chennai the respondent/police received the complaint and registered the case. In the complaint, the petitioner had clearly mentioned that one Meganathan, who is an Advocate, along with one other person, assaulted the petitioner and caused serious injuries. Thereafter, the petitioner called the emergency number of Police - 100, and they had taken the petitioner to the hospital for treatment.



petitioner is that no proper steps have been taken and no action has been taken on the said Meganathan, since the respondent/police have not enquired the petitioner's wife or his elder son, who were present inside the house at that time of the alleged occurrence that had taken place and on what grounds the respondent/police have come to the conclusion and recorded such false statements that the complaint given by the petitioner is false, are not known. Without conducting proper enquiry on the said Meganathan, Advocate, how such investigation conducted by the respondent/police and how the name is not mentioned in the Status Report, and in what manner, such investigation was conducted, are also not known. In this case, neither Meganathan, Advocate nor the wife and son of the petitioner, are examined.

4.The learned Counsel for Government of Tamil Nadu (Crl.side) appearing for the respondent submitted that totally nine witnesses were examined, out of whom the evidence of six witnesses do not corroborated with the incident, except one witness, who deposed in favour of the petitioner. Furthermore, he stated that no such occurrence had taken place as alleged by the de-fatco complainant, and even the daughter-in-law of the de-facto complainant had clearly stated that no such occurrence had taken place. The other six witnesses clearly state that no such occurrence had taken place as alleged in the complaint of the petitioner/de-facto complainant. Further, he submitted that the investigation is going on the right path and proper steps would be taken to collect the materials. The petitioner's wife and his elder son are to be examined and their statements would be recorded. After collection of materials, if a case is made out, charge sheet would be laid and final report would be filed.

5.In view of undertaking given by the learned Counsel for Government of Tamil Nadu (Crl.side) that the investigation would be carried out properly and examining the left out witnesses viz., petitioner's wife and his elder son, and the said Meganathan, Advocate, would be examined. This Court directs the respondent/police to file final report in this case. In any event, before filing final report, the said Meganathan is produced for enquiry, and on their appearance, proper notice to be served on the petitioner/de-facto complainant.

6.With the above observations and direction, the Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar



To

1.The Inspector of Police,
P2 Otteri Police Station, Chennai - 600 012.

2.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.M.Aravind kumar, Advocate SR.No.32716

CRL.O.P.No.11423 of 2021

JPL (CO)
GMY (02/08/2021)