

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.03.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CrI.OP.No.9622 of 2020

Mr.P.Prabhu

...Petitioner

.Vs.

1.The Inspector of Police,
K-1, Sembium Police Station,
Chennai-600 011.

2.P.K.Govindaraj

3.G.Dinesh @ G.Selva Kumar

4.R.Elangovan

5.Bullet K.Ramesh

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside the order dated 22.06.2020 in CrI.MP.No.574 of 2020, on the file of V Metropolitan Magistrate Egmore, Chennai.

For Petitioner : Mr.R.Ragoth
for Mr.K.Selvaraj

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor
for R 1
Mr.R.Ganesh
Mr.S.Shrenikraj
for R 2 to R 5

ORDER

This criminal original petition has been filed challenging the order passed by the Court below dismissing the petition filed under Section 156(3) of Cr.P.C.

2.The petitioner gave a complaint before the respondent Police on the ground that the petitioner took some steps to evict certain encroachers and enraged by the same, the concerned persons were causing threat and are planning to cause danger to the life of the petitioner. Since the complaint was not acted upon by the respondent Police, the petitioner filed a petition under Section 156(3) of Cr.P.C., before the Court below. The Court below dismissed the petition by an order dt.22.06.2020. Aggrieved by the same, the present criminal original petition has been filed before this Court.

3.Mr.K.Selvaraj, learned counsel for the petitioner, Mr.M.Mohamed Riyaz, learned Additional Public Prosecutor for the 1st respondent and Mr.R.Ganesh, learned counsel appearing on behalf of respondents 2 to 5.

4.In the considered view of this Court, the Magistrate can pass orders under Section 156(3) of Cr.P.C., only if the complaint contains sufficient details to make out a cognizable offence. In the present case, except for an apprehension that the accused persons are enraged by the action taken by the petitioner and that they may cause threat to the life of the petitioner in future, the complaint is completely bereft of any particulars. There is absolutely no mention about any incident that had taken place from which a Court can draw an inference that there is danger to the life of the petitioner. The Court below had rightly held that there are no facts found in the complaint which will justify the Court to pass an order under Section 156(3) of Cr.P.C. This Court does not find any illegality or infirmity in the order passed by the Court below and there are no grounds to interfere with the same.

5.In the result, this criminal original petition is dismissed. If the petitioner faces any threat, it is always left open to the petitioner to workout his remedy in accordance with law.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

1.The V Metropolitan Magistrate,
Egmore, Chennai.

2.The Public Prosecutor,
High Court, Madras.

3.The Inspector of Police,
K-1, Sembium Police Station,
Chennai-600 011.

+1cc to Mr.K.Selvaraj, Advocate SR.NO..16630
+1cc to Mr.S.Shrenik Raj, Advocate SR.NO.16604

AKM/01.04.21/2P- 6C/

Cr1.OP.No.9622 of 2020