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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.12756 of 2021

B.L.Madavan

... Petitioner

Versus

1.The State, represented by its
Commissioner of Police
Greater Chennai
Commissioner's Office
Vepery, Chennai 600 007.

2.The Inspector of Police
R.10, MGR Nagar Police Station
Chennai 600 078.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to pass an order of direction, directing the second respondent to register and investigate the complaint of the petitioner dated 12.07.2021 on the file of the second respondent herein in accordance with law to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu

For Respondents: Mr.A.Damodaran
Government Advocate (Crl.Side)

ORDER

This petition has been filed to pass an order of direction, directing the second respondent to register and investigate the complaint of the petitioner dated 12.07.2021 on the file of the second respondent herein in accordance with law to secure the ends of justice.

2. The petitioner was attacked by his neighbor one Parthasarathy and Saravanan on 11.07.2021 at about 5.30 p.m., and he was seriously injured. Thereafter, the petitioner had lodged a complaint to the respondent police on 12.07.2021. The petitioner had also taken treatment in a Government Hospital,



wherein, the reason for attack has been recorded. Further in the AR copy, swelling of his wrist and tenderness have been recorded and also the fracture sustained by him. Thereafter, the petitioner had taken treatment with Dr.S.Anbzhagan in Kavitha Ortho and Multi Specialty Hospital, who had given a certificate that the injury of the petitioner is serious in nature. Despite the same, no action has been taken by the second respondent police. Hence, the petitioner made a representation to the Commissioner of Police on 13.07.2021. Even thereafter, no action has been taken. Hence, he filed this petition.

3. The learned Government Advocate (Crl.Side) has submitted that the petitioner had lodged a complaint with the second respondent police and a copy of the complaint of the petitioner was also forwarded from the Commissioner of Police in C.No.282/13.07.2021. Thereafter, the petitioner was called for enquiry on 17.07.2021, 19.07.2021 and 23.07.2021, however, he failed to appear for enquiry and co-operate with the enquiry. On the other hand, he has filed this petition.

4. The learned counsel for the petitioner has submitted that the records and photographs, which have been produced, clearly show that cognizable offence has been made out and the second respondent police is duty bound to register the First Information Report and proceed with the investigation in this case. But they had pressurized the petitioner to compromise with the said Parathasarathy and Saravanan and a case was registered under Section 75 of the City Police Act, which is not proper. He further submitted that the petitioner made several attempts with the second respondent police to take action, but all in vain.

5. The petitioner is retired from the medical company and his wife is working in the High Court as Appeal Examiner. Despite the social status of the petitioner, no action has been taken. Though it is stated that the respondent police called the petitioner for enquiry on three occasions, however, there is no proper enquiry. The petitioner is very much available and the petitioner is residing in the same address with his bandage and swelling on his left hand. The second respondent police have forced the petitioner to compromise the dispute, even though cognizable offence is made out.

6. From the materials produced it is seen that the petitioner had lodged a complaint on 12.07.2021 and AR copy also produced. Further, the photographs shows that there has been serious injury to the petitioner and his left wrist got fractured. Finding that a cognizable offence is made out, the respondent police shall proceed with the investigation and to facilitate the same, the petitioner is directed to appear before the respondent police and submit all the documents. Thereafter,



the respondent police is directed to proceed in accordance with law.

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7. With the above directions, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

dna
To

- 1.The Commissioner of Police,
Greater Chennai,
Commissioner's Office,
Vepery, Chennai 600 007.
- 2.The Inspector of Police,
R.10, MGR Nagar Police Station,
Chennai 600 078.
- 3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Sankarasubbu, Advocate Sr.35809

CRL.O.P.No.12756 of 2021

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srg 27/07/2021