



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2022

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.701 of 2022

K.Muthulakshmi

... Petitioner

Versus

1. State rep by the
Superintendent of Police (North),
Mettupalayam,
Puducherry.
2. Thiru.Nagaraj
Inspector of Police,
D Nagar Police Station,
Puducherry.
3. Thiru.Govindaraj
Sub Inspector of police,
D Nagar Police Station,
Puducherry.
4. Thiru.Raji
Head Constable-2317 of Police,
D Nagar Police Station,
Puducherry.
5. Thiru.Raja
Police Constable-2961,
D' Nagar Police Station,
Puducherry.
6. Thiru.Hariprasath
Police Constable-2961,
D' Nagar Police Station,
Puducherry.
7. Thiru.Jayakumar
Police Constable-3368,
D'Nagar Police Station,
Puducherry.

... Respondents



PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 1st respondent to register the case on the complaint given by the petitioner dated 14.07.2021 and take appropriate action against the respondents 2 to 7 in accordance with law in pursuant to the orders passed in CrI.M.P.4997 of 2021 dated 30.08.2021 on the file of the learned Judicial Magistrate No.I, Puducherry.

For Petitioner : Mr.V.Elangovan

For Respondent : Mr.V.Balamurugane
No.1 Public Prosecutor (Pondy)

O R D E R

This Criminal Original Petition is filed to direct the 1st respondent to register the case on the complaint given by the petitioner dated 14.07.2021, and take appropriate action against the respondents 2 to 7 in accordance with law in pursuant to the orders passed in CrI.M.P.4997 of 2021 dated 30.08.2021 on the file of the learned Judicial Magistrate No.I, Puducherry.

2. The Petitioner had lodged a complaint against the respondents 2 to 7, for illegal detention of her son stating that on 08.03.2021 at 11.00 A.M., her son Ram Kumar was at their residence, the respondents 2 to 7 attached to D.Nagar Police station forcibly entered her house, dragged her son and taken him in a Jeep. Thereafter, beaten him black and blue and kept in illegal custody till 10.03.2021. Thereafter, on 10.03.2021, the Petitioner's son was taken to Auroville Police Station, Villupuram District, got registered a false case in Crime No.62 of 2021 for the offences punishable under Sections 294 (b), 323, 307 I.P.C. and he was produced before learned Judicial Magistrate, Vanur and remanded to Judicial Custody. It is further submitted that in the remand order, the learned Magistrate recorded that the petitioner's son was illtreated, severely beaten by the respondents 2 to 7. Hence, the petitioner made a complaint to the 1st respondent to take action against the respondents 2 to 7 on 14.07.2021. Since the accused persons happened to be the police officials and subordinates to the first respondent, the first respondent did not take any action against the respondents 2 to 7. Therefore, the petitioner filed a petition under Section 156 (3) of Cr.P.C. before the learned Judicial Magistrate No.I, Puducherry in CrI.M.P.No.4997 of 2021 for a direction to register a case on the complaint given by the petitioner and the learned Judicial Magistrate I, Puducherry by order dated 30.08.2021 directed the Superintendent of Police (North), Puducherry to investigate and



passed an order on 04.01.2022, finding prima facie case made against the respondents therein, and directed the Director General of Police Puducherry to appoint Senior Superintendent of Police to conduct enquiry and take appropriate action and fix responsibility.

6. The learned Public Prosecutor, Puducherry submitted that this Court had questioned the authenticity and authority of police complaint authority in passing such orders and giving direction, for which appeal filed and pending before the First Bench.

7. Be that as it may, now as per the directions of the learned Judicial Magistrate No.I Puducherry, enquiry conducted by the Superintendent of Police (North), Puducherry, finding the complaint dated 14.07.2021 is false and made to divert the investigation and to escape the petitioner's son from the legal process and proceedings.

8. Considering the facts and circumstances of the case and also in view of the submission made, the learned Public Prosecutor, Puducherry is directed to serve copy of the Enquiry Report to the petitioner and thereafter it is open to her to agitate the same, in the manner known to law, if so advised.

This Criminal Original Petition is disposed of accordingly.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

arr
To

1. The Superintendent of Police, (North),
Mettupalayam,
Puducherry.

2. The Public Prosecutor,
High Court, Puducherry.

+1cc to Mr.S.Doraisamy, Advocate, S.R.No.5008

CRL.O.P.No.701 of 2022

PA[co]
NSK 09/03/2022