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Crl.O.P.No.31916 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2023

CORAM:

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.31916 of 2022

R.Sankar ... Petitioner

Vs.

1.The Union Territory Represented by
The Director General of Police,
DGP office, Puducherry.

2.The Inspector of Police,
Karaikkal, Town Police Station,
Karaikkal, Puducherry.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the 1st respondent to register the case based on petitioner representation dated 19.09.2022.

For Petitioner : Mr.R.Thamarai Selvan

For Respondents : Mr.V.Balamurugane
Public Prosecutor, Puducherry.

ORDER

This Criminal Original Petition is filed to direct the 1st respondent to register the case based on petitioner's representation dated 19.09.2022.

2.The learned counsel for the petitioner submitted that the petitioner



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had earlier given a complaint against one Murugesan. On the basis of his complaint, FIR in Crime No.110 of 2015, for the offences under Sections 294 (b), 324, 506 (ii) IPC was registered, but the same was closed as mistake of fact without the knowledge of the petitioner. However, on the basis of the complaint given by Murugesan, FIR in Crime No.68 of 2015 for the offence under Section 160 IPC was registered against the petitioner and it is pending. The petitioner filed Crl.O.P.No.7736 of 2016 for transfer of investigation in Crime No.110 of 2015. Only during the course of hearing of the transfer petition, he came to know about the closure report in Crime No.110 of 2015. Therefore, this Court closed Crl.O.P.No.7736 of 2016 giving liberty to the petitioner to file a protest petition. Thereafter, he filed a protest petition. In the meanwhile the Police Complaints Authority, Puducherry, passed an order on 06.09.2021 directing the DGP to initiate appropriate action including departmental action against the police officials, namely, Zahir Hussain and Suresh. Since no action was taken, he gave a representation dated 19.09.2022. Even thereafter, no action was taken leading to filing of this petition.

3.In response, the learned Public Prosecutor, Puducherry, submitted that



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on the basis of the protest petition filed by the petitioner in Crime No.110 of 2015, enquiry was conducted and the protest petition was allowed. The case was taken on file in C.C.No.228 of 2022, on the file of the learned Judicial Magistrate - II, Karaikal. Similarly, after the order passed by the Police Complaints Authority on 06.09.2021, DGP has forwarded a note to the Senior Superintendent of Police, Karaikal. The Senior Superintendent of Police, Karaikal has now initiated enquiry against the said Zahir Hussain and Suresh, Sub Inspectors of Police.

4.In the light of the submissions made by the learned Public Prosecutor, Puducherry, this Court is of the view that the prayer sought for by the petitioner for registering the complaint, on the basis of the petitioner's representation dated 19.09.2022, cannot be entertained and therefore, this Criminal Original Petition is dismissed.

05.01.2023

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Internet:Yes

Index:Yes/No

Speaking/Non speaking order

To:

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1. The Union Territory Represented by
The Director General of Police,
DGP office, Puducherry.
2. The Inspector of Police,
Karaikkal, Town Police Station,
Karaikkal, Puducherry.
3. The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.
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