



*Crl.O.P.(MD)No.3372 of 2024*

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 01.08.2024

CORAM :

**THE HON'BLE MR.JUSTICE B.PUGALENDHI**

Crl.OP(MD)No.3372 of 2024

K.Sugumaran

... Petitioner

Vs

1.The Superintendent of Police,  
Madurai District,  
Surveyor Colony,  
K.Pudur,  
Madurai 625007.

2.The Inspector of Police,  
Melur Police Station,  
Madurai District.

3.K.Saravanan,  
4.N.Babu,  
5.N.Ravikumar,  
Assistant Commissioner,  
R.S Puram Zone,  
Coimbatore Town, Coimbatore.

6.Gajendran,  
Police,  
Melur Police Station,  
Madurai District.



*Crl.O.P.(MD)No.3372 of 2024*

7.Jeyampandian,  
Sub Inspector of Police,  
Peraiyur Police Station,  
Madurai District.

8.Charles,  
Inspector of Police,  
Rajapalayam Police Station,  
Virudhunagar District.

...Respondents

**Prayer :** Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 2nd respondent police, the Inspector of Police, Melur, Madurai District to register the case on the basis of the order dated, 27.07.2023 passed by the learned Judicial Magistrate, Melur in Cr.M.P No. 1809/2023.

|                      |                                |
|----------------------|--------------------------------|
| For Petitioner       | : Mr.Nagendran V,              |
| For R1 & R2          | : Mr.M.Sakthi Kumar            |
|                      | Government Advocate (Crl.side) |
| For R5               | : Mr.B.Anandan                 |
| For R3,R4 & R6 to R8 | : No appearance                |

### **ORDER**

The petitioner, a practising Advocate in Melur District has approached this Court with a grievance that his complaint before the Melur Police Station was not attended by the respondent police and the orders passed by the learned Judicial Magistrate, Melur, under section 156(3) of Cr.P.C, dated 27.07.2023 was not adhered to. Therefore, he seeks a direction to the second respondent police to register a case,



*CrI.O.P.(MD)No.3372 of 2024*

WEB COPY

based on the order of the learned Judicial Magistrate in Cr.MP No.1809 of 2023, dated 27.07.2023.

2.The case of the petitioner is that he was assaulted by the Deputy Superintendent of police in front of the police station in the year 2022, for which, he has lodged a complaint before the second respondent police immediately. The second respondent has not registered a case and therefore he has approached the learned Judicial Magistrate, Melur under Section 200 of Cr.P.C, in Cr.MP No. 1809 of 2023 and the learned Judicial Magistrate has forwarded the complaint for investigation under Section 156(3) of Cr.P.C to the respondent police. Even after the order of the learned Judicial Magistrate, dated 27.07.2023, no action has been taken by the respondent police, as the accused in this case is a Police officer.

3.Considering the nature of allegations, this Court requested the Inspector General of Police, South Zone to take a call in this matter and to file a report before this Court.



*CrI.O.P.(MD)No.3372 of 2024*

WEB COPY

4. Mr.Prem Anand Sinha, IPS, the Inspector General of Police, South Zone has filed a report before this Court today as under:-

“4. I respectfully state that on receiving the order of this Hon'ble Court dated 25.07.2024, I immediately called for the connected files and perused. My perusal of the records revealed that the complaint preferred by the Petitioner herein was assigned with CSR No. 1090 of 2022 dated 18.08.2022 and a petition enquiry was made, but very much against the dictum of Lalithakumari's case made by the Hon'ble Supreme Court, no First Information Report was filed or investigation taken up. The Additional Superintendent of Police who conducted a detailed enquiry and submitted a report indicting Thiru N. Ravikumar, former Deputy Superintendent of Police, Melur Sub Division for assaulting the Petitioner, a practicing Advocate in public view vide his report dated 29.03.2023, but no action was taken by the Station House Officer, Melur Police Station. The Learned Judicial Magistrate, Melur on the private complaint lodged by the Petitioner herein under section 200 of the Cr.P.C. passed an order in Cr.M.P, No. 1809 of 2023 dated 27.07.2023by directing the 2nd Respondent Police to register a First Information Report



*Crl.O.P.(MD)No.3372 of 2024*

against Respondents 3 to 8, including Tvl. N. Ravikumar, AC, Gajendran, Police, Jayampandian, SI, Charles, Inspector of Police within 2 months and to file a report before this Court. But it is seen that the order of the Learned Magistrate was neither obeyed, nor any appeal was preferred against the order either by the Department or by the accused themselves.

5.1 respectfully submit that since my perusal of the connected records proved that the Station House Officers were lackadaisical in their approach to their legitimate duty as on getting the orders from the Learned Judicial Magistrate, Melur in Cr.M.P. No. 1809 of 2023 dated 27.07.2023 as well as the orders from the Additional Superintendent of Police, Madurai District dated 29.03.2023, advisory opinion from the concerned Law Officer ought to have been obtained and either First Information Report laid or appeal preferred against the said order. Hence, I have requested the Superintendent of Police, Madurai District to immediately register a First Information Report and nominate an Investigation Officer to investigate the case immediately and to monitor the same. Accordingly, First Information Report in Crime No.428/2024 under section 166, 294(b), 323, 506(i) IPC on the file of Melur Police Station was registered and the Deputy Superintendent of Police, Melur was nominated to conduct investigation and to file final report without any further delay.



*Crl.O.P.(MD)No.3372 of 2024*

Disciplinary action has been taken against Inspector of Police Thiru. Mannavan vide in PR. No.40/2024 u/r 3(a) of TNPSS(D&A) Rules who was serving as the Station House Officer during the relevant period in time and a show cause notice has been issued to offer explanation from Inspector of Police Thiru. Jothibasur vide in C.No.275-DSP-MLR- 2024 of Office of Deputy Superintendent of Police, Melur Sub Division, Madurai District.”

5.FIR registered by the respondent police in Crime No.428 of 2024, dated 30.07.2024 as against the Deputy Superintendent of Police and other accused is also placed before this Court.

6.This Court places its appreciation to the Inspector General of Police, South Zone for the strict action taken by him to ensure the proper functioning of Police stations at Melur. A common man is having faith in the police Department that they will redress their grievance by lodging a complaint. If the police is taking a biased attitude, the public cannot approach the Court of law. In this case, the victim is a practicing Advocate and he was slapped by the Deputy



*CrI.O.P.(MD)No.3372 of 2024*

WEB COPY

Superintendent of Police in front of the police station. Therefore, he has lodged a complaint on the date of occurrence itself in the year 2022 and the same was not attended since the accused happened to be the police officer. The petitioner has also approached the learned Judicial Magistrate, Melur, seeking a direction under Section 156(3) of Cr.P.C. The learned Judicial Magistrate having satisfied with the complaint and the materials placed has also passed an order on 27.07.2023 in Cr.MP.No.1809/2023 with a specific direction to the respondent police to register the complaint. However, the order of the learned Magistrate has not been complied with by the respondent police. Thereafter, this petitioner was constrained to file this petition before this Court on 27.02.2024. This application is also pending before this Court for the past six months. Though notice was ordered, the respondent police have not preferred to file any counter affidavit and have not taken any action as required under law. This kind of attitude would certainly create an impression among the common man that they may not get justice, if any police officer is indulging in any offence.

7.Placing appreciation once again to the Inspector General



*Crl.O.P.(MD)No.3372 of 2024*

WEB COPY

of Police, South Zone for taking necessary action as against the erring officials, and for safeguarding the prestige of the Institution, this Criminal Original Petition is disposed of.

**01.08.2024**

NCC : Yes/No

Index : Yes/No

Internet:Yes

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To

- 1.The Superintendent of Police,  
Madurai District,  
Surveyor Colony,  
K.Pudur,  
Madurai 625007.
- 2.The Inspector of Police,  
Melur Police Station,  
Madurai District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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*Crl.O.P.(MD)No.3372 of 2024*

**B.PUGALENDHI,J**

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**Order made in**  
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