



Crl.R.C.No.1695 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2025

C O R A M

THE HONOURABLE Mr.JUSTICE **SUNDER MOHAN**

Crl.R.C.No.1695 of 2024

B.Krishna Singh

... Petitioner/defacto complainant

Vs

1.Subam Sunder Ghos,
Superintendent of Police,
H Q Police Complex,
Pondicherry.

2.Bakthavatchalam,
Superintendent of Police (South),
Pondicherry.

3.Venkatachalapathy,
Inspector of Police,
Odiyansalai Police Station,
Pondicherry.

4.Nagaraj,
Inspector of Police,
Traffic Police Station (East),
Pondicherry.

5.Govindarajan,
Sub Inspector of Police,
Orlianpet Police Station,
Pondicherry.



Crl.R.C.No.1695 of 2024

6.Pakkirisamy

Assistant Sub Inspector of Police,
D Nagar Police Station,
Pondicherry.

7.Ganapathy,

Assistant Sub Inspector of Police,
Reddiyarpalayam Police Station,
Pondicherry.

... Respondents

PRAYER: Criminal Revision Case filed under Sections 438 & 442 of BNSS praying to call for the records in Crl.M.P.No.899 of 2023 on the file of the Principal District and Sessions Court, Puducherry dated 06.11.2023 and set aside the same by allowing this Criminal Revision Petition.

For petitioner ... Mr.B.Krishna Singh (P-I-P)

For respondents ... Mr.K.S.Mohan Dass
Public Prosecutor, Puducherry

Mr.S.N.Thangaraj
Amicus Curiae

ORDER

The revision challenges the dismissal of the petitioner's application filed before the learned Principal District and Sessions Court, Puducherry seeking action against certain police officials, alleging that those police officials had acted in a biased manner and registered a complaint lodged against him and refused to register the complaint lodged by the petitioner against the persons, who had attacked him. The learned Principal Sessions Judge dismissed the complaint seeking action under Section 30 of the



Protection of Human Rights Act, 1993 stating that there is no allegation against the police officials warranting action under the said Act.

2. Since the petitioner appeared party in person, this Court appointed Mr.S.N.Thangaraj as amicus curiae to assist this Court.

3. Mr.S.N.Thangaraj, after perusal of the records, submitted that the real grievance of the petitioner is that the respondents had not registered the complaint filed by the petitioner although it discloses cognizable offences. The learned counsel also pointed out to the order passed by the police complaints authority, Puducherry dated 19th November 2021, which had directed the police officials to register the complaint lodged by the petitioner in accordance with law and follow the procedure prescribed for investigating the case and counter case. The learned counsel submitted that the respondents had not registered the FIR in spite of the said order.

4. Per contra, the learned Public Prosecutor, Puducherry submitted that the impugned order does not warrant any interference as the complaint before the Principal District and Sessions Court, Puducherry does not state as to how the respondents namely the police officials had violated the human



rights of the petitioner. However, the learned Public Prosecutor fairly concedes that if the complaint of the petitioner discloses cognizable offences, the respondents are bound to register the same.

5. The order passed by the police complaints authority reads as follows:

"The records would show that thereafter the complainant lodged a complaint as against those assailants with D'Nagar PS. According to the complaint D'Nagar Police did not take any action. Where upon he gave representation as per Ex.P2 and P3 to the Inspector of Police, D'Nagar PS and SP concerned. Thereafter as per Ex.P4 sent a representation to the Inspector of Police, D'Nagar PS and as per Ex.P6 to the SP he also gave representation expressing his grievance that FIR was not registered on his complaint.

From the explanation given by the SHO, D'Nagar PS, we could understand that the police registered the FIR No.139 dt.22.08.2021 under sections 294(b), 323, 394, 506(ii) r/w 34 IPC as against the complainant herein, based on the complaint of one Anu concerning the same incident, which the complainant herein referred to in the complaint. Even though the incident took place on 16.08.2021 around 07.00 PM the complaint was given to the D'Nagar PS only on 22.08.2021 at 12 hours by the said Anu.

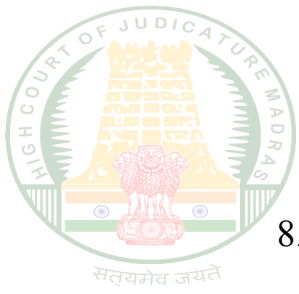


WEB COPY

As per the well settled proposition of law when there is a complaint and a cross complaint relating to one and the same incident, the police is expected to register two FIRs and investigate into the matter, after investigation as against the aggressor the charge sheet should be laid. But in this case police did not resort to such a procedure. In this case the complainant soon after the incident appears to have given complaint to police but no action was taken. However police registered FIR only on 22.08.2021 on this complainant of the other party."

6. The above order speaks for itself. The respondents, therefore, are bound to register the complaint in accordance with the said directions. However, this Court finds that there is no infirmity in the order impugned in this revision, which refuses to take action against the police officials under the Human Rights Act. Therefore, this Court is not inclined to set aside the impugned order.

7. With the above observations, the Criminal Revision Case stands dismissed. The respondents shall comply with the order of the police complaints authority and register the FIR within a period of three (3) weeks from the date of receipt of a copy of this order.



CrI.R.C.No.1695 of 2024

8. This Court expresses its gratitude for the valuable assistance rendered by Mr.S.N.Thangaraj, the learned Amicus Curiae in the above matter for his meticulous preparation and assistance.

28.01.2025

Index: Yes/No
Speaking order/Non-speaking order
Neutral Citation: Yes/No
Anu

To

1.Subam Sunder Ghos,
Superintendent of Police,
H Q Police Complex,
Pondicherry.

2.Bakthavatchalam,
Superintendent of Police (South),
Pondicherry.

3.Venkatachalapathy,
Inspector of Police,
Odiyansalai Police Station,
Pondicherry.

4.Nagaraj,
Inspector of Police,
Traffic Police Station (East),
Pondicherry.



CrI.R.C.No.1695 of 2024

5. Govindarajan,
Sub Inspector of Police,
Orlianpet Police Station,
Pondicherry.

6. Pakkirisamy
Assistant Sub Inspector of Police,
D Nagar Police Station,
Pondicherry.

7. Ganapathy,
Assistant Sub Inspector of Police,
Reddiyarpalayam Police Station,
Pondicherry.

8. The Public Prosecutor,
Madras High Court.



WEB COPY



CrI.R.C.No.1695 of 2024

SUNDER MOHAN, J

Anu

CrI.R.C.No.1695 of 2024

28.01.2025