



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.10.2013

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

CRL.O.P(MD)No.14764 of 2013

S.Veerappan

.. Petitioner

Vs

1.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

2.The Sub Inspector of Police,
Arukanai Police Station,
Kanyakumari District.

.. Respondents

Prayer:- Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the second respondent to register a case based on the complaint of the petitioner which was received by him, dated 31.12.2012 and investigate the same.

For Petitioner : Mr.B.Brijesh Kishore

For Respondents : Mr.P.Kannithevan

Government Advocate (Crl. Side)

ORDER

This petition has been filed under Section 482 Cr.P.C., praying to direct the second respondent to register a case based on the complaint of the petitioner which was received by him, dated 31.12.2012 and investigate the same.

2. The learned Government Advocate (Crl.side) would submit in his argument that the complaint will be taken and it will be enquired into and if *any prima facie case* is made out, the said complaint would be registered and the investigation would also be commenced.

3. Considering the submissions made by the learned counsel on either side, this Court is inclined to direct the 2nd respondent to go into the allegations made in the complaint and to issue suitable directions to any of his subordinates, to find out the *prima facie case* and if for any reason, there is no *prima facie case* made out, it is for the 2nd respondent to drop the complaint



and the petitioner cannot seek a direction of this Court to register a complaint.

4. In such circumstances, the petitioner is not remediless. This Court could see that the relief sought for by the petitioner for registration of the complaint has been dealt with by the Hon'ble Apex Court in **Sakiri Vasu v. State of U.P.** reported in **2008(1) MLJ (Cr1) 1393 (SC)** equivalent to the judgment reported in **2007 (4) Crimes 338 (SC)**.

5. This petition is disposed of accordingly.

SD/-

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

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To

1.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

2.The Sub Inspector of Police,
Arukanai Police Station,
Kanyakumari District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court
Madurai.

+1CC to Mr.B.Brijesh Kishore,Advocate in SR.No.53387

CRL.O.P (MD) No.14764 of 2013

31.10.2013

RG.06.11.2013 2P.5C.