

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.O.P No.8461 of 2015

E.Vijayaganapathi

.. Petitioner

Vs.

1.The Union Territory of Puducherry
Rep.by the Superintendent of Police, CBCID
CBCID Police Station
Orleanpet, Puducherry

2. The Inspector of Police, CBCID
CBCID Police Station
Orleanpet, Puducherry

3. The Sub Inspector of Police, CBCID
CBCID Police Station
Orleanpet, Puducherry

... Respondents

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C., to direct the 3rd Respondent namely the Sub-Inspector of Police, CBCID Police Station, Orleanpet, Puducherry to conduct preliminary enquiry as envisaged by Honble Apex Court in Lalitha Kumaris Case reported in 2013 (6) CTC 353 before proceeding against the petitioner based on Complaint lodged by defacto complainant namely the Convenor CENTAC (Centralized Admission Committee) Puducherry.

For Petitioner :Mr.S.Nirmal Kumar

For Respondent :Mr.Kumaran, Government Advocate
(Puducherry)

ORDER

The petitioner apprehends that he will be made an accused pursuant to the complaint lodged by the defacto complainant and therefore he has come up with this petition for a direction to the respondent police to conduct preliminary enquiry before registering the FIR.

2. The learned counsel for the petitioner is relying upon the judgment of the Supreme Court in Lalitha Kumary's Case reported in 2013 (6) CTC 353.

3. Unfortunately, the said case is not for the proposition that is being canvassed by the petitioner. In the said case, the Supreme Court has stated that it is the duty of the police to register FIR where the complaint discloses the commission of cognizable offence. It has given a small leeway to the Investigating Officer to make preliminary investigation in certain types of cases. But, that cannot be taken as a positive direction at the instance of the petitioner to conduct preliminary investigation before registering FIR. Hence, this Criminal Original Petition is not maintainable and is dismissed.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To

- 1.The Superintendent of Police, CBCID
Union Territory of Puducherry
CBCID Police Station
Orleanpet, Puducherry
2. The Inspector of Police, CBCID
CBCID Police Station
Orleanpet, Puducherry
3. The Sub Inspector of Police, CBCID
CBCID Police Station
Orleanpet, Puducherry
- 4.The Public Prosecutor,
High Court, Madras.

1 cc to Mr.Nirmal Kumar,, Advocate, Sr. 18818

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