



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.03.2015

CORAM:

THE HON'BLE MR.JUSTICE C.T. SELVAM

CrI.O.P. No.1398 of 2015

and

M.P.(MD) No. 1 of 2015

M.Balasubramanian

... Petitioner

Vs.

1.The Superintendent of Police,
Sivagangai District,
Sivagangai.

2.The Deputy Superintendent of Police,
Karaikudi, Sivagangai District.

3.The Inspector of Police,
North Police Station (L & O),
Karaikudi,
Sivagangai District.

... Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the third respondent to register the case/FIR on the complaint of the petitioner dated 22.1.2015 and to investigate to file a final report within a stipulated time as fixed by this Court.

For Petitioner : Mr.S.Muthukumar

For Respondents : Mr.K.V.Rajarajan, G.A (CrI.side)

O R D E R

This petition has been filed under Section 482 Cr.P.C., praying for a direction to the third respondent to register the case/FIR on the complaint of the petitioner dated 22.1.2015 and to investigate to file a final report within a stipulated time as fixed by this Court.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate(CrI.side) appearing for the respondents.
<https://hcservices.ecourts.gov.in/hcservices/>



3. The learned Government Advocate (Crl.side) informs that based on the complaint of the petitioner, petition enquiry stands conducted and closed.

4. In this case interim order to the following effect has been passed on 30.1.2015:-

"By way of an interim order, this Court directs respondent police to peruse the complaint preferred by petitioner herein and register a case if the same informs commission of cognizable offence. In particular instances, respondent police may resort to a petition enquiry which again shall not extend beyond a period of one week. This order is made towards effecting and ensuring compliance with the decision of the Apex Court in Lalita Kumari vs. Govt. of U.P. & others [2013 (4) Crimes 243 (SC)]. It is expected that respondent police will follow the dictate of the Apex Court in the aforesaid judgment in letter and spirit and not give room for any further action at the hands of this Court. In the event of respondent police not being in receipt of complaint allegedly preferred before them by petitioner, it would always be open for respondent police to inform such position at the next hearing date."

5. The petition shall stand closed with the observation that if the petition enquiry conducted in the case is seen to be a ruse to avoid registration of case where complaint informs commission of cognizable offences the same certainly would amount to disobedience of direction of this Court by way of interim order referred to above. It must be noted that the decision of the Hon'ble Apex Court in **Lalita Kumari Vs. Govt. of U.P. & others [2013 (4) Crimes 243 (SC)]** permits conduct of petition enquiry only to the limited extent of ascertaining whether the complaint informs cognizable offence as distinct from extending the same towards informing the complaint to be false, a mistake of fact and the like. It is also to be noted that in such decision the Hon'ble Supreme Court reiterated the need to take action against erring police officials. The petitioner is at liberty to move action in contempt if appropriate. Consequently, connected M.P. is closed.

Sd/-

Assistant Registrar(T & P)

/True Copy/

Sub-Assistant Registrar



To

1. The Superintendent of Police, Sivagangai District, Sivagangai.

2. The Deputy Superintendent of Police, Karaikudi,
Sivagangai District.

3. The Inspector of Police, North Police Station (L & O), Karaikudi,
Sivagangai District.

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

+1cc to Mr. Arun @ Swaminathan, Advocate, in SR. No. 15733.

Crl.O.P. No. 1398 of 2015
and M.P.MD) No. 1 of 2015
30.03.2015

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