



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.03.2015

CORAM

THE HONOURABLE MR.JUSTICE C.T.SELVAM

Cr1.O.P(MD)No.4077 of 2015

S.Thangathai

... Petitioner

Vs.

1.The Superintendent of Police,
District Superintendent Office,
Virudhunagar.

2.The Inspector of Police,
Srivilliputhur Police Station,
Srivilliputhur.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure to direct the respondents to register the F.I.R on the basis of the complaint of the petitioner, dated 16.02.2015.

For Petitioner : Mr.R.Manohararan

For Respondents : Mr.K.V.Rajarajan

Government Advocate(Crl.side)

O R D E R

The petitioner seeks a direction to the respondent police to register a case based on the complaint given by the petitioner, dated 16.02.2015.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.side) for the State and perused the records.

3.Today it is submitted by the learned Government Advocate(Crl.Side) that petition-enquiry is pending in this case.

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

"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 respondents are to take note of the decision of the Honourable Supreme Court in **Lalitha Kumar vs. Government of U.P. & Others[2013(4) Crimes 243(SC)]**, permits the petition enquiry in a rare case and requires the same to be completed within a period of one week. Further, such decision makes clear that the purpose of petition enquiry only can be to ascertain whether prima facie cognizable offence is made out or not and not to arrive at a finding that the allegations in the complaint are true or false.

6. The respondents are directed to keep the above in mind in dealing with the complaint of the petitioner. This Court further directs that the respondent should register a case, in the event of reading of the complaint, on the face of it, disclosing cognizable offences. This Court also makes clear that if the conduct of the petition enquiry is seen to be a ruse to avoid registration of case, the same would amount to disobedience of the orders of this Court.

7. The Criminal Original Petition shall stand closed with the observation that any disobedience of the orders of this Court would be actionable by way of contempt proceedings, which may be initiated by the petitioner, if considered appropriate.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

pm

To

- 1.The Superintendent of Police,
District Superintendent Office,
Virudhunagar.
- 2.The Inspector of Police,
Srivilliputhur Police Station,
Srivilliputhur.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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