

THE HON'BLE SRI JUSTICE SANJAY KUMAR
WRIT PETITION Nos.39646 and 39666 of 2015

COMMON ORDER:

The prayers in these writ petitions are identical and read as under:

“For the reasons stated in the accompanying affidavit, it is therefore prayed that this Hon’ble court may be pleased to issue a Writ, order or direction, more particularly one in the nature of “Writ of Mandamus” declaring the action of the respondents 2 to 4 in not taking any criminal action against respondent No.6 as illegal, arbitrary and violation of Articles 14 and 16 of the Constitution of India and consequently direct the respondents 2 to 4 to initiate criminal proceedings against respondent No.6 and pass such other order or orders as this Hon’ble Court deems fit and proper in the interest of justice.”

Respondents 2 to 4 in both the cases are also common and they are as under:

- “2. The Inspector of Police,
Anti Human Trafficking Unit & CID,
Regional Office CID, Door No.4-74,
Padmavathipuram, Tirupathi, Chittoor District.
3. The Nodal Officers on Human Trafficking
Additional Director General of Police, CID,
Crime Investigation Department,
3rd Floor, Police Head Quarters,
Saifabad, Hyderabad- 500004.
4. The Director General of Police,
Police Head Quarters,
Saifabad, Hyderabad- 500004.”

However, the sixth respondent in each of the writ petitions is a different private party.

Sri David Sunder Singh, learned counsel for the petitioners in both the cases, states that the issue relates to abolition of bonded labour and the law laid down by the Supreme Court apart from the

Central Government notifications in this regard make it clear that human trafficking and bonded labour require to be dealt with an iron hand.

When posed a question as to whether any complaint had been made to the officer in-charge of the police station concerned as to the commission of a cognizable offence which warrants further steps being initiated in criminal law, learned counsel stated that the proceedings of the other State authorities should be intimation enough in this regard and the police authorities must *suo motu* take action in the matter. He would place reliance on the report dated 12.06.2015 addressed by the Revenue Divisional Officer, Tirupati, to the Collector, Chittoor District, in this regard, wherein it appears that CID officials also were members of the team which visited the brick kiln in question where bonded labour were being used.

In effect, no steps seem to have been taken to approach the concerned police station for lodging a complaint. Learned counsel would contend that the bonded labour themselves would not be in a position to take this step. However, Section 154 Cr.P.C. does not require that only the victim should come forward for placing the information before the Station House Officer of the concerned police station. Information as to commission of a cognizable offence can be given to the concerned police station by any person, be it in writing or even orally. That being so, it is not open to the learned counsel to state that the criminal machinery should be set in motion without even the first step being initiated.

The writ petitions are therefore misconceived and are accordingly dismissed. This order shall however not preclude any person concerned from bringing it to the notice of the concerned police station that a cognizable offence has been committed which warrants criminal action, if it is so. In the event any such complaint is made, the police are bound to take action thereupon in accordance with the law laid down by the Supreme Court in **Lalita Kumari v. Government of**

Uttar Pradesh [\[1\]](#).

Pending miscellaneous petitions, if any, shall also stand dismissed. No order as to costs.

JUSTICE SANJAY KUMAR

10th December, 2015
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[\[1\]](#) (2014) 2 SCC 1