

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.34836 OF 2016

ORDER:

This writ petition is filed seeking to issue a writ or order more particularly, one in the nature of writ of *mandamus* to declare the action of respondent Nos.2 to 5 in not registering a case in pursuance to the petitioner's complaint, dated 12.10.2016, to respondent No.2, and which was also sent on 12.10.2016 to respondent No.3 to 5 as illegal, arbitrary and unconstitutional and consequently, to direct respondent No.2 to 5 to register the case in pursuance of the petitioner's complaint, dated 12.10.2016.

2. Heard and perused the material available on record.
3. Grievance of the petitioner is that though he lodged a complaint on 12.10.2016 against respondent Nos.6 and 7, the same was not registered till date by respondent Nos.2 to 5.
4. Considering all the facts and circumstances of the case, this Court is of the view that it is needless to say that if a complaint filed by an aggrieved person discloses an offence, which is cognizable in nature, necessarily, the Station House Officer concerned has to register a case and investigate into the same. Hence, respondent No.2 herein is hereby directed to register a case against respondent Nos.6 and 7 basing on the complaint, dated 12.10.2016, of the petitioner, if the complaint discloses a cognizable offence. If there is any refusal on the part of respondent No.2 to register the case, the petitioner can prefer a complaint to the Superintendent of Police concerned and thereafter, he can

approach the Court concerned by way of invoking the provision under Section 200 Cr.P.C.

5. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs.

6. Miscellaneous Petitions pending, if any, in this Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

18.10.2016
AMD



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Date: 18.10.2016

AMD