

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.33911 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 direct the official respondents more particularly, respondent No.4 to register the case against respondent Nos.5 and 6 basing on the complaint, dated 31.5.2016, filed by the petitioner before respondent No.4 and to cause investigation into the offence committed by them by duly declaring the inaction on the part of respondent No.4 in registering the case and causing investigation in accordance with law as illegal, arbitrary, violative of Article 14 of Constitution of India and contrary to the provisions of Criminal Procedure Code and also the judgment rendered by the Hon'ble Apex Court in *Lalitha Kumari Vs. Government of Uttar Pradesh* reported in (2014) 2 SCC 1.

2. Heard and perused the material available on record.

3. Grievance of the petitioner is that though he filed a complaint before respondent No.4 on 31.5.2016 against respondent Nos.5 and 6 for trespassing into his land, the same was not registered and investigation was not done till date and in turn, respondent No.5 and his father filed a false complaint against the petitioner and his wife on 16.6.2016 and the same was registered as a case in F.I.R.No.91 of 2016 for the offences punishable under Sections 447, 327, 290 and 506 read with 34 I.P.C. Further, the complaint lodged by the petitioner disclose a cognizable offence also.

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.4 herein is hereby directed to register a case against respondent Nos.5 and 6 basing on the complaint, dated 31.5.2016, of the petitioner, if the complaint discloses a cognizable offence. If there is any refusal on the part of respondent No.4 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

17.10.2016
AMD

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Date: 17.10.2016

AMD