

HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.34478 of 2016

ORDER:

1. This writ petition is filed seeking to issue a Writ of Mandamus declaring the inaction of the respondents in registering a crime based on the complaint filed by the petitioner dated 20.9.2016, as illegal and arbitrary.

2. Heard and perused the material available on record.

3. It is stated in the affidavit that the petitioner, who is a proprietor of GR Palle Electricals, received offer from NCC Limited, Madhapur for execution works for augmentation of distribution system in Kochi under Part B in reference to the proceedings Part B/2012-13/2156 dated 24.9.2013 and he agreed to the same and subsequently, NCC office issued work order and they completed their work as per the memorandum of understanding. The company of the petitioner employed one Mr. Jagan Edla to supervise and do office work, prepare bills and credit the bills received from NCC Office. But the NCC authorities and the said Jagan cheated the company and created loss to the company. In spite of his complaint dated 20.9.2016, no action was taken by the respondents.

4. When a complaint is given to the Police, it is their duty to register the FIR, if such complaint discloses any cognizable offence. Considering the facts and circumstances of the case, the Writ Petition is disposed of with the following direction:

“The respondents are directed to register the FIR, if any complaint is given by the petitioner as stated by him and if such complaint discloses any cognizable offence, and proceed in accordance with law. If the respondents fail to

register the FIR, the petitioner is at liberty to invoke the provisions of the Code of Criminal Procedure to seek his remedy before the appropriate forum.”

There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand closed.

RAJA ELANGO, J

Date: 17th October, 2016

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Date: 17th October, 2016

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