

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.34037 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 and 3 in not registering the complaint lodged by the petitioners on 29.12.2015 as illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India and consequently, to direct respondent No.3 to register the complaint and take up investigation.

2. Heard and perused the material available on record.

3. Grievance of the petitioners is that though they filed a complaint before respondent No.3 on 29.12.2015 against respondent Nos.4 to 20, no action was taken by him. Hence, they filed a fresh complaint on 31.8.2016, but the same was not registered till date.

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.3 herein is hereby directed to register a case against respondent Nos.4 to 20 basing on the complaint, dated 29.12.2015, of the petitioners, if the complaint discloses a cognizable offence. If there is any refusal on the part of respondent No.3 to register the case, the petitioners can prefer a complaint to

the Superintendent of Police concerned and thereafter, they 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