



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.09.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE **M.V.MURALIDARAN**

CRL OP(MD)Nos.13268, 13272, 13278, 13285 to 13287, 13290, 13293, 13295, 13297, 13300, 13303 to 13305, 13308, 13309, 13311, 13322, 13329, 13330, 13348, 13349, 13359, 13360, 13363, 13371, 13373, 13380, 13386, 13391 to 13393, 13395, 13411, 13429, 13431, 13432, 13434, 13436 to 13439 of 2017

Crl.O.P. (MD)No.13268 of 2017

G.POTHIRAJ	... PETITIONER in CRL OP(MD) No.13268 of 2017
POONGOTHAI	... PETITIONER in CRL OP(MD) No.13272 of 2017
M.GANESHKUMAR	... PETITIONER in CRL OP(MD) No.13278 of 2017
V. SOUNDHIRARAJAN	... PETITIONER in CRL OP(MD) No.13285 of 2017
N.JEROME ROBERT PRAKASAM	... PETITIONER in CRL OP(MD) No.13286 of 2017
C.JUDO CHRISTIAN	... PETITIONER in CRL OP(MD) No.13287 of 2017
M. THANGAMANI	... PETITIONER in CRL OP(MD) No.13290 of 2017
N. MUTHUSAMY NADAR	... PETITIONER in CRL OP(MD) No.13293 of 2017
S.PAULMANI	... PETITIONER in CRL OP(MD) No.13295 of 2017
S. GEETHA	... PETITIONER in CRL OP(MD) No.13297 of 2017
K. KANNAN	... PETITIONER in CRL OP(MD) No.13300 of 2017
M.SATHIYENDRAN	... PETITIONER in CRL OP(MD) No.13303 of 2017
P.SUNDARAM	... PETITIONER in CRL OP(MD) No.13304 of 2017
MARIAMMAL	... PETITIONER in CRL OP(MD) No.13305 of 2017
M.RAMANATHAN	... PETITIONER in CRL OP(MD) No.13308 of 2017
M.VIMALA	... PETITIONER in CRL OP(MD) No.13309 of 2017
DURAIMURUGAN	... PETITIONER in CRL OP(MD) No.13311 of 2017
V.MARIAMMAL	... PETITIONER in CRL OP(MD) No.13322 of 2017
S.BALASUNDHARAM	... PETITIONER in CRL OP(MD) No.13329 of 2017
R.BAKIAM	... PETITIONER in CRL OP(MD) No.13330 of 2017
M. SATHAYEE	... PETITIONER in CRL OP(MD) No.13348 of 2017
P. MUTHURAJ	... PETITIONER in CRL OP(MD) No.13349 of 2017
A.ARUMUGAM	... PETITIONER in CRL OP(MD) No.13359 of 2017
SULOCHANA	... PETITIONER in CRL OP(MD) No.13360 of 2017
C.SELVAKUMAR	... PETITIONER in CRL OP(MD) No.13363 of 2017
RAIHANA BEGAM	... PETITIONER in CRL OP(MD) No.13371 of 2017
L.PONNUSAMY	... PETITIONER in CRL OP(MD) No.13373 of 2017
R. PONNAMMAL	... PETITIONER in CRL OP(MD) No.13380 of 2017
P. SELVAM	... PETITIONER in CRL OP(MD) No.13386 of 2017
SELVANAYAGI	... PETITIONER in CRL OP(MD) No.13391 of 2017
KRISHNASAMY	... PETITIONER in CRL OP(MD) No.13392 of 2017
ANANTHAN	... PETITIONER in CRL OP(MD) No.13393 of 2017
MURUGESAN	... PETITIONER in CRL OP(MD) No.13395 of 2017
M. MUTHUKRISHNAN	... PETITIONER in CRL OP(MD) No.13411 of 2017



RAMESH
SARANIKA

... PETITIONER in CRL OP(MD) No.13429 of 2017
... PETITIONER in CRL OP(MD) No.13431 of 2017

SRI CHANDRA SHEKARA EDUCATIONAL AND CHARITABLE TRUST,
REP.BY ITS MANAGING TRUSTEE K.CHANDRASEKAR, 2,

THOPPIAN CHATRAM, CHERANMAHA DEVI ROAD,

TIRUNELVELI - PETTAI ... PETITIONER in CRL OP(MD) No.13432 of 2017

GANAPATHITHEVAR ... PETITIONER in CRL OP(MD) No.13434 of 2017

R.ESTHOV ANTONY ASHOK ... PETITIONER in CRL OP(MD) No.13436 of 2017

KALARANI ... PETITIONER in CRL OP(MD) No.13437 of 2017

KALAIARASI ... PETITIONER in CRL OP(MD) No.13438 of 2017

JAYASINGH ... PETITIONER in CRL OP(MD) No.13439 of 2017

-VS-

THE INSPECTOR OF POLICE,
THENKARAI POLICE STATION,
THENI DISTRICT.

... RESPONDENT IN CRL OP(MD) 13268 of 2017

1 THE SUPERINTENDENT OF POLICE,
THANJAVUR DISTRICT, THANJAVUR.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, THANJAVUR.

3 THE INSPECTOR OF POLICE,
NADU KAVERI POLICE STATION, THANJAVUR DISTRICT.

... RESPONDENTS in CRL OP(MD) No.13272 of 2017

1 THE SUPERINTENDENT OF POLICE,
VIRUDHUNAGAR DISTRICT.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
SIVAKASI, VIRUDHUNAGAR DISTRICT.

3 THE INSPECTOR OF POLICE,
SIVAKASI TOWN POLICE STATION, VIRUDHUNAGAR DISTRICT.

... RESPONDENTS in CRL OP(MD) No.13278 of 2017

1 THE COMMISSIONER OF POLICE,
MADURAI CITY, MADURAI.

2 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, MADURAI CITY,
MADURAI. ... RESPONDENTS in CRL OP(MD) No.13285 of 2017

1 THE COMMISSIONER OF POLICE,
MADURAI, MADURAI DISTRICT.

2 THE INSPECTOR OF POLICE,
K.PUDUR POLICE STATION, MADURAI, MADURAI DISTRICT.



1 THE COMMISSIONER OF POLICE,
MADURAI CITY, MADURAI.

2 THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, MADURAI CITY, MADURAI.

... RESPONDENTS in CRL OP(MD) No.13287 of 2017

WEB COPY

1 THE SUPERINTENDENT OF POLICE,
TIRUCHIRAPALLI @ TRICHY DISTRICT.

2 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, TRICHY DISTRICT.

... RESPONDENTS in CRL OP(MD) No.13290 of 2017

1 THE SUPERINTENDENT OF POLICE,
MADURAI DISTRICT.

2 THE INSPECTOR OF POLICE,
ALANGANALLUR POLICE STATION, ALANGANALLUR,
MADURAI DISTRICT.

... RESPONDENTS in CRL OP(MD) No.13293 of 2017

1 THE SUPERINTENDENT OF POLICE,
KANYAKUMARI DISTRICT, NAGERCOIL.

2 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, NAGERCOIL,
KANYAKUMARI DISTRICT.

... RESPONDENTS in CRL OP(MD) No.13295 of 2017

1 THE COMMISSIONER OF POLICE,
TRICHY.

2 THE INSPECTOR OF POLICE,
CITY CRIME BRANCH, TRICHY.

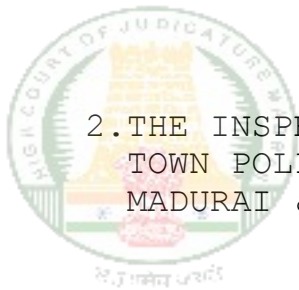
... RESPONDENTS in CRL OP(MD) No.13297 of 2017

1 THE CITY COMMISSIONER OF POLICE,
MADURAI CITY.

2 THE INSPECTOR OF POLICE,
S.S.COLONY P.S. MADURAI CITY.

... RESPONDENT in CRL OP(MD) No.13300 of 2017

1 THE SUPERINTENDENT OF POLICE
MADURAI DISTRICT & MADURAI.



2.THE INSPECTOR OF POLICE,
TOWN POLICE STATION, THIRUMANGALAM,
MADURAI & MADURAI DISTRICT.

... RESPONDENTS in CRL OP(MD) No.13303 of 2017

THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, KANYAKUMARI DISTRICT.
NAGERCOIL, KANYAKUMARI.

... RESPONDENTS in CRL OP(MD) No.13304 of 2017

THE INSPECTOR OF POLICE,
SAYALKUDI POLICE STATION, RAMNAD DISTRICT.

... RESPONDENT in CRL OP(MD) No.13305 of 2017

1.THE DEPUTY INSPECTOR GENERAL OF POLICE,
O/O.THE DEPUTY INSPECTOR GENERAL OF POLICE,
RAMANATHAPURAM.

2.THE SUPERINTENDENT OF POLICE,
O/O.THE SUPERINTENDENT OF POLICE,
SIVAGANGAI DISTRICT.

... RESPONDENT in CRL OP(MD) No.13308 of 2017

1.THE STATE REP.BY
THE COMMISSIONER OF POLICE,
TIRUNELVELI CITY

2.THE INSPECTOR OF POLICE
C1 PALAYAMKOTTAI POLICE STATION,
PALAYAMKOTTAI.

... RESPONDENTS in CRL OP(MD) No.13309 of 2017

1.THE SUPERINTENDENT OF POLICE
TRICHY DISTRICT.

2.THE DEPUTY SUPERINTENDENT OF POLICE,
TRICHY ROAD, MUSIRI TRICHY.

... RESPONDENTS in CRL OP(MD) No.13311 of 2017

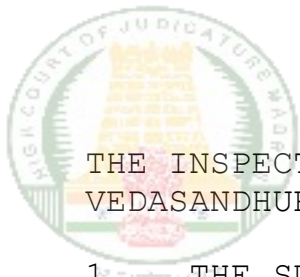
1.THE DEPUTY SUPEIRNTENDENT OF POLICE,
THIRUCHENDUR TALUK, THOOTHUKUDI DISTRICT.

2.THE SUB INSPECTOR OF POLICE,
KURUMBUR POLICE STATION KURUMPUR
THOOTHUKUDI DISTRICT.

... RESPONDENTS in CRL OP(MD) No.13322 of 2017

THE INSPECTOR OF POLICE,
(L&O) TALLAKULAM POLICE STATION, MADURAI CITY.

... RESPONDENT in CRL OP(MD) No.13329 of 2017



THE INSPECTOR OF POLICE,
VEDASANDHUR POLICE STATION, DINDIGUL DISTRICT.

... RESPONDENT in CRL OP(MD) No.13330 of 2017

1 THE SUPERINTENDENT OF POLICE,
RAMNAD DISTRICT.

2 THE INSPECTOR OF POLICE,
KEEZHATHUVAL POLICE STATION, RAMNAD DISTRICT.

... RESPONDENTS in CRL OP(MD) No.13348 of 2017

1 THE SUPERINTENDENT OF POLICE,
VIRUDHUNAGAR DISTRICT.

2 THE SUB INSPECTOR OF POLICE,
ALANGULAM POLICE STATION, VIRUDHUNAGAR DISTRICT.

... RESPONDENTS in CRL OP(MD) No.13349 of 2017

1 THE SUPERINTENDENT OF POLICE,
PUDUKKOTTAI DISTRICT, PUDUKKOTTAI.

2 THE INSPECTOR OF POLICE,
ANTI LAND GRABBING SPECIAL CELL,
OFFICE OF THE DISTRICT CRIME BRANCH,
OPPOSITE TO COLLECTORS QUARTERS, PUDUKKOTTAI.

... RESPONDENTS in CRL OP(MD) No.13359 of 2017

1 THE SUPERINTENDENT OF POLICE,
O/O.THE SUPERINTENDENT OF POLICE ,
THENI DISTRICT.

2 THE INSPECTOR OF POLICE,
VAGAIANAI POLICE STATION, THENI DISTRICT.

... RESPONDENTS in CRL OP(MD) No.13360 of 2017

1 THE SUPERINTENDENT OF POLICE,
O/O.THE SUPERINTENDENT OF POLICE ,
SUBRAMANIAPURAM, TRICHY DISTRICT.

2 THE INSPECTOR OF POLICE,
THIRUVARUMPOOR POLICE STATION, TRICHY DISTRICT.

... RESPONDENTS in CRL OP(MD) No.13363 of 2017

1 THE SUPERINTENDENT OF POLICE,
DINDIGUL DISTRICT, DINDIGUL.

2 THE INSPECTOR OF POLICE,
NATHAM POLICE STATION, DINDIGUL DISTRICT,
DINDIGUL.



3 BADHURNISHA BEGAM,
W/O.S.B.MOHAMMED SULAIMAN, NO.323 ,
ARAIKAL ESTATE, ATTUVAMPATTI VILLAGE,
VILLPATTI KODAIKANAL, DINDIGUL DISTRICT.

4 NASHIM BHANU,
W/O.RAZVI, NATHARSHA STREET, BEGAMBUR,
DINDIGUL.

5 MARIYAM BEEVI,
W/O.MOHAMMED YOUNIS, NO.1/105, ALAGARKOVIL STREET,
A1-AMEEN NAGAR, MADURAI-625 002.

6 NILOBARNISHA,
W/O.SAMEEM, MEERAN SARATH HOSPITAL,
SRI VAIKUNDAM, TUTICORIN DISTRICT.

7 SAMEEM,
S/O.DR.MEERAN, MEERAN SARATH HOSPITAL ,
SRI VAIKUNDAM, TUTICORIN DISTRICT.

8 JAFFER,
S/O.KALANIJIYAM, AATHUVAMPATTI VILLAGE,
VILLPATTI, KODAIKANAL, DINDIGUL DISTRICT.

9 SARASWATHI RANI,
THE SUB REGISTRAR, NATHAM SUB-REGISTRAR OFFICE,
DINDIGUL DISTRICT.

... RESPONDENTS in CRL OP(MD) No.13371 of 2017

1 THE COMMISSIONER OF POLICE,
MADURAI CITY POLICE, MADURAI.

2 THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION, MADURAI.

... RESPONDENTS in CRL OP(MD) No.13373 of 2017

1 THE SUPERINTENDENT OF POLICE,
TIRUNELVELI DISTRICT.

2 THE INSPECTOR OF POLICE,
PANAGUDI POLICE STATION, TIRUNELVELI DISTRICT.

... RESPONDENTS in CRL OP(MD) No.13380 of 2017

1 THE SUPERINTENDENT OF POLICE,
TRICHY DISTRICT.

2 THE INSPECTOR OF POLICE,
SOMARASAMPETTAI POLICE STATION,
SOMARASAMPETTAI, TRICHY DISTRICT.

... RESPONDENTS in CRL OP(MD) No.13386 of 2017

1 THE SUPERINTENDENT OF POLICE,
TUDUKKOTTAI DISTRICT.



2 THE INSPECTOR OF POLICE,
ANTI LAND GRAPPING SPECIAL CELL,
OFFICE OF THE DISTRICT CRIME BRACH,
OPPOSITE TO COLLECTORS QUARTERS, PUDUKKOTTAI.

... RESPONDENTS in CRL OP(MD) No.13391 of 2017

WEB COPY

1 THE INSPECTOR OF POLICE,
LALAPETTAI POLICE STATION, KARUR DISTRICT.

... RESPONDENTS in CRL OP(MD) No.13392 of 2017

1 THE SUPERINTENDENT OF POLICE,
PUDUKKOTTAI DISTRICT.

2 THE INSPECTOR OF POLICE,
ANTI LAND GRAPPING SPECIAL CELL,
OFFICE OF THE DISTRICT CRIME BRANCH,
OPPOSITE TO COLLECTORS QUARTERS,
PUDUKKOTTAI.

... RESPONDENTS in CRL OP(MD) No.13393 of 2017

1 THE SUPERINTENDENT OF POLICE,
OFFICE OF THE SUPERINTENDENT OF POLICE ,
PUDUKOTTAI DISTRICT.

2 THE INSPECTOR OF POLICE,
GANDARVAKOTTAI POLICE STATION,
GANDARVAKOTTAI, PUDUKOTTAI DISTRICT.

... RESPONDENTS in CRL OP(MD) No.13395 of 2017

1 THE COMMISSIONER OF POLICE,
MADURAI DISTRICT.

2 THE INSPECTOR OF POLICE,
VILAKKOTHOON POLICE STATION (LAW & ORDER)
MADURAI CITY, MADURAI.

... RESPONDENTS in CRL OP(MD) No.13411 of 2017

1 THE SUPERINTENDENT OF POLICE, MADURAI.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
SAMAYANALLUR POLICE STATION,
MADURAI.

3 THE INSPECTOR OF POLICE,
ALANGANALLUR POLICE STATION MADURAI.

... RESPONDENTS in CRL OP(MD) No.13429 of 2017

1 THE SUB INSPECTOR OF POLICE,
KARAMBAKUDI POLICE STATION, KARAMBAKUDI,
PUDUKOTTAI DISTRICT.



1 THE COMMISSIONER OF POLICE,
TIRUNELVELI CITY, TIRUNELVELI DISTRICT.

2 THE INSPECTOR OF POLICE,
TIRUNELVELI PETTAI POLICE STATION, TIRUNELVELI DISTRICT.

... RESPONDENTS in CRL OP(MD) No.13432 of 2017

1 THE INSPECTOR GENERAL OF POLICE, SOUTH ZONE,
OFFICE OF THE INSPECTOR GENERAL OF POLICE,
ALAGARKOVIL ROAD, MADURAI.

2 THE COMMISSIONER OF POLICE,
OFFICE OF THE COMMISSIONER OF POLICE,
TIRUNELVELI CITY, TIRUNELVELI.

3 THE INSPECTOR OF POLICE,
THATACHANALLUR POLICE STATION,
THATACHANALLUR, TIRUNELVELI DISTRICT.

4 PERIYASAMY,
THE INSPECTOR OF POLICE,
THATACHANALLUR POLICE STATION, THATACHANALLUR,
TIRUNELVELI DISTRICT.

... RESPONDENTS in CRL OP(MD) No.13434 of 2017

1 THE SUPERINTENDENT OF POLICE,
THOOTHUKUDI DISTRICT.

2 THE INSPECTOR OF POLICE,
SOUTH POLICE STATION, THOOTHUKUDI.

3 D.JEYAKUMAR,
EXECUTIVE ENGINEER, TNEB, BEACH ROAD,
THOOTHUKUDI.

4 A.SANTHANARAJ,
S/O.ANTONY FERNANDO, 9/35 2ND CROSS STREET,
VEERAPANDI NAGAR, CHOO LAIMEDU, CHENNAI.

5 S.CHANDRA,
W/O. A.SANTHANARAJ, 9/35 2ND CROSS STREET,
VEERAPANDI NAGAR, CHOO LAIMEDU, CHENNAI.

6 S.ANTONY RAJ
S/O.SILUVAIPITCHAI PATTANGATTIAR 20/1
SANTHAMARIAMMAN KOVIL STREET THOOTHUKUDI

7 S.SACINTHARAJ,
S/O.A.SANTHANARAJ, 9/35 2ND CROSS STREET,
VEERAPANDI NAGAR, CHOO LAIMEDU, CHENNAI.



8 S.MARY NAVIS PRIYA,
D/O.A.SANTHANARAJ, DEPARTMENT OF PHYSICS,
JEPPIAR ENGINEERING COLLEGE, RAJIV GANDHISALAI, CHENNAI.

9 S.PRATHEEBA,
D/O.A.SANTHANARAJ, 9/35 2ND CROSS STREET,
VEERAPANDI NAGAR, CHOLLAIMEDU, CHENNAI.

... RESPONDENTS in CRL OP(MD) No.13436 of 2017

1 THE SUPERINTENDENT OF POLICE,
VIRUDHUNAGAR DISTRICT.

2 THE DEPUTY SUPERINTENDENT OF POLICE,
ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT.

3 THE INSPECTOR OF POLICE,
AAVIYUR POLICE STATION, AAVIYUR POST
VIRUDHUNAGAR DISTRICT.

... RESPONDENTS in CRL OP(MD) No.13437 of 2017

1 THE DIRECT GENERAL OF POLICE,
DGP OFFICE, MYLAPORE, KAMARAJ SALAI, CHENNAI.

2 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, SIVAGANGAI DISTRICT.

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
RAMANATHAPURAM DISTRICT.

... RESPONDENTS in CRL OP(MD) No.13438 of 2017

1 THE SUPERINTENDENT OF POLICE,
OFFICE OF THE SUPERINTENDENT OF POLICE,
TIRUNELVELI DISTRICT.

2 THE INSPECTOR OF POLICE,
KADAIYAM POLICE STATION, TIRUNELVELI DISTRICT.

... RESPONDENTS in CRL OP(MD) No.13439 of 2017

Prayer in CRL. OP(MD) No.13268 of 2017

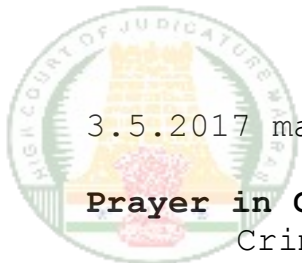
Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, directing the respondent to register a case based on the complaint dated 04.07.2017.

Prayer in CRL OP(MD) No.13272 of 2017:

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to direct the respondents to register the case on the basis of the petitioner Complaint dated 17.08.2017.

Prayer in CRL OP(MD) No.13278 of 2017:

<https://hcservices.ecourts.gov.in/hcservices/>
Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to direct the 3rd respondent herein to register the FIR on the basis of petitioners complaint dated on



3.5.2017 made before the 1st respondent.

Prayer in CRL OP(MD) No.13285 of 2017:

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to direct the respondent to Register a case / FIR on the complaint given by the petitioner dated 17.02.2017 lodged with the respondent and further direct the respondent to investigate into the matter in accordance with law

Prayer in CRL OP(MD) No.13286 of 2017:

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to directing the 2nd respondent to register a case based on the complaint dated 17.08.2017

Prayer in CRL OP(MD) No.13287 of 2017:

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to direct the respondent to register a case / FIR on the complaint given by the petitioner dated 17.02.2017 lodged with the respondent and further direct the respondent to investigate into the matter in accordance with law and file a final report within a period prescribed by this Honorable Court.

Prayer in CRL OP(MD) No.13290 of 2017:

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to direct the respondent to register case / FIR on the complaint given by the petitioner dated 21.07.2017 lodged with the respondents and further direct the respondents to investigate into the matter in accordance with law and file a final report within a period prescribed by this Court.

Prayer in CRL OP(MD) No.13293 of 2017:

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to direct the 2nd respondent to register the case on the basis of the complaint given by the petitioner on 28.06.2017 in accordance with law.

Prayer in CRL OP(MD) No.13295 of 2017:

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to direct the 2nd respondent to register a case as per the complaint of the petitioner dated 11.11.2016 on accordance with law.

Prayer in CRL OP(MD) No.13297 of 2017:

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to issue a direction criminal original petition for an issuance of direction, directing the 2nd respondent police to register the case on the complaint of the petitioner dated 21.09.2016 on the file of the 2nd respondent and to investigate and file a final report within a stipulated time as fixed by this Honble Court and thus render justice.

Prayer in CRL OP(MD) No.13300 of 2017:

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to direct the respondent police to register a case based on the petitioner's complaint dated 23.06.2017 and consequently direct them to proceed the case in accordance with law and pass such other order deem fit and thus render justice.

Prayer in CRL OP(MD) No.13303 of 2017:

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to direct the respondent to Register a Case / F.I.R. on the complaint given by the petitioner dated 22.09.2017 lodged with the respondent and further direct the respondent to investigate into the matter in accordance with law and file a final report within a period prescribed by this Honble Court

Prayer in CRL OP(MD) No.13304 of 2017:

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to direct the respondent to take up the complaint 16.5.2017 given by the petitioner on file and register the case in FIR

Prayer in CRL OP(MD) No.13305 of 2017:

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to direct the respondent to register the case, based on the petitioner's complaint dated 22-12-2016

Prayer in CRL OP(MD) No.13308 of 2017:

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to direct the respondent to register a case on the basis of the petitioner's complaint dated 13.09.2017

Prayer in CRL OP(MD) No.13309 of 2017:

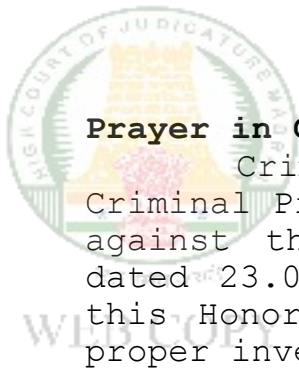
Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to direct the respondent to register a case based on the petitioner's complaint dated 01.01.2016 and investigate the same in accordance with law

Prayer in CRL OP(MD) No.13311 of 2017:

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to directing the respondents to register a case on complaint given by the petitioner dated 06.09.2017 and pass such further or other orders, as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

Prayer in CRL OP(MD) No.13322 of 2017:

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to direct the respondents to register the FIR against the said Ravisankar s/o.Thangavel aasari residing at Nalumavadi village based on the petitioner's complaint dated 27.07.2017 and thus render justice



Prayer in CRL OP(MD) No.13329 of 2017:

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to direct the respondent to register the FIR against the proposed accused based on the petitioners complaint dated 23.03.2017 within the time limit that may be stipulated by this Honorable Court and to file a final report after concluding proper investigation.

Prayer in CRL OP(MD) No.13330 of 2017:

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to direct the respondent police to register the FIR based on that complaint dated 02.06.2017 lodged by the petitioner.

Prayer in CRL OP(MD) No.13348 of 2017:

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to pass an order, directing the 2nd respondent police viz., the Inspector of Police, Keezhathuval Police Station, Ramanathapuram District to register a case based on the complaint given by the Petitioner to the respondents dated 06.09.2017 and thus render justice.

Prayer in CRL OP(MD) No.13349 of 2017:

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to direct the 2nd respondent to register a case based on the complaint dated 03.07.2017 and to pass such further or order as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.

Prayer in CRL OP(MD) No.13359 of 2017:

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to direct the 2nd respondent to register the case on the petitioners complaint dated 27.05.2017 and proceed with the same as per law within the time frame fixed by this honble court

Prayer in CRL OP(MD) No.13360 of 2017:

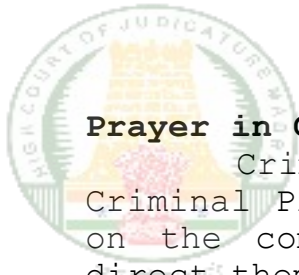
Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to issue a direction, directing the 2nd respondent to register a case on the petitioners complaint dated 14.08.2017 and investigate the case in accordance with law.

Prayer in CRL OP(MD) No.13363 of 2017:

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to issue a direction, directing the 2nd respondent to register to case on the petitioners complaint dated 08.09.2017 and investigate the case in accordance with law.

Prayer in CRL OP(MD) No.13371 of 2017:

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to direction directing the 2nd respondent to register a case against the 3 to 9 respondents on the basis of the complaint given by the petitioner dated 11.7.2016.



Prayer in CRL OP(MD) No.13373 of 2017:

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to direct the respondent to register a case on the complaint of the petitioner dated 27.09.2017 and further direct them to investigate the case in accordance with law

Prayer in CRL OP(MD) No.13380 of 2017:

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to direct the 2nd respondent to register a case as per the complaint of the petitioner dated 13.07.2017 in accordance with law and pass such further orders as this Honble Court may deem fit and thus render justice.

Prayer in CRL OP(MD) No.13386 of 2017:

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to direct the 2nd Respondent to register the case on the basis of the petitioner's complaint dated. 25.06.2017 and proceed with the same as per law within the time fixed by this Court.

Prayer in CRL OP(MD) No.13391 of 2017:

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to direct the 2nd respondent to register the case on the petitioner's complaint dated 27.05.2017 and proceed with the same as per law within the time frame fixed by this Honble court

Prayer in CRL OP(MD) No.13392 of 2017:

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to direct the respondent to register F.I.R and initiate necessary action in accordance with law on the basis of the complaint preferred by the petitioner dated 23.08.2016 within the time stipulated by this Honourable court

Prayer in CRL OP(MD) No.13393 of 2017:

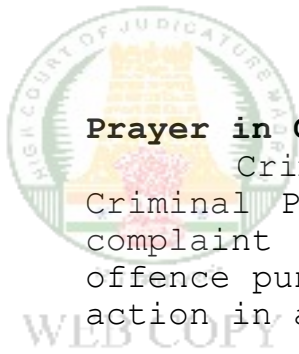
Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to direct the 2nd respondent to register the case on the petitioner's complaint dated 25.04.2017 and proceed with the same as per law within the time fixed by this Honble court

Prayer in CRL OP(MD) No.13395 of 2017:

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to direct the respondent No. 2 to register FIR on the basis of the complaint preferred by the petitioner dated 24.02.2016 and initiate necessary action in accordance with law within the time stipulated by this Court.

Prayer in CRL OP(MD) No.13411 of 2017:

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to direct the 2nd respondent to register the case based on the complaint given by the petitioner herein dated 14.09.2017 and investigate the same in accordance with law.

**Prayer in CRL OP(MD) No.13429 of 2017:**

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to direct the 2nd respondent register the complaint dated 06.07.2017 preferred by the petitioner for the offence punishable under 120(b), 380, 457 and 447 of IPC and to take action in accordance with law.

Prayer in CRL OP(MD) No.13431 of 2017:

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to direct the Respondent No. 2 to register FIR on the basis of the complaint preferred by the petitioner dated 18.11.2016 in accordance with law within the time stipulated by this Court.

Prayer in CRL OP(MD) No.13432 of 2017:

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to direct the respondent to register the complaint of the petitioner dated 12.12.2016

Prayer in CRL OP(MD) No.13434 of 2017:

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to direct the respondent Nos.1 and 2 to conduct enquiry relating to the petitioner's complaint dated 21.4.2016 and take action against the respondent no.4, in accordance with law, within the time stipulated by this Court.

Prayer in CRL OP(MD) No.13436 of 2017:

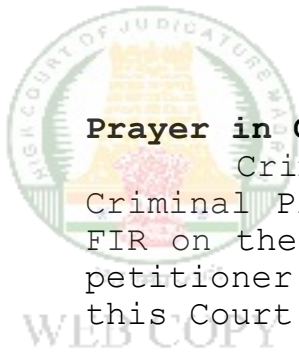
Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to direct the 1st and 2nd respondents to register the complaint dated 03.08.2017 against the respondents 3 to 9 in accordance with law and to provide adequate security to the petitioner herein in the district and sessions court campus, Thoothukudi while appearing cases against the respondents 3 to 9

Prayer in CRL OP(MD) No.13437 of 2017:

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to direct the 1st respondent to instruct the 3rd respondent to register the case/ FIR based on the petitioners representation dated 15.06.2017 and also direct the 2nd respondent to conduct the investigation as per the mandatory provisions of law under the provisions of Prevention of Scheduled caste and Scheduled Tribes Atrocities Act.

Prayer in CRL OP(MD) No.13438 of 2017:

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to direct the respondent to register a case based on the complaint preferred by the petitioner dated 26.8.2017 , as to the fact and as circumstances as this Court may deem fit and proper in this case.

**Prayer in CRL OP(MD) No.13439 of 2017:**

Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code to direct the 2nd respondent to register an FIR on the basis of the complaint dated 18.4.2016 preferred by the petitioner in accordance with law within the time stipulated by this Court.

For Petitioner:

Mr.A.MITHUNCHAKRAVARTHI in CRL OP(MD) Nos.13268 & 13286/17
Mr.PR BOOME RAJAN in CRL OP(MD) No.13272/17
Mr.J.JEYAKUMARAN in CRL OP(MD) No.13278/17
Mr.N.SATHISH BABU in CRL OP(MD) Nos.13285,13287,13290 & 13303/17
Mr.V.THIRUMAL in CRL OP(MD) No.13293/17
Mr.T.SELVAKUMARAN in CRL OP(MD) No.13295 & 13380 of 2017
M/S.R.YAMUNA in CRL OP(MD) No.13297 of 2017
Mr.S.CHELLAPANDIAN in CRL OP(MD) No.13300 of 2017
Mr.R.KARUNANIDHI in CRL OP(MD) No.13309 of 2017
Mr.D.SELVANAYAGAM IN CRL OP(MD)NO.13304 of 2017
Mr.S.AYYANAR PREMKUMAR IN CRL OP(MD)NO.13305 of 2017
Mr.S.VANCHINATHAN IN CRL OP(MD)NO.13308 of 2017
Mr.A.VADIVEL IN CRL OP(MD)NO.13311 of 2017
Mr.S.KARTHICK SUBRAMANIAN IN CRL OP(MD)Nos.13359,13391 and 13393/17
Mr.J.DAVID GANESAN IN CRL OP(MD)NO.13322/17
Mr.M.S.JEYAKARTHIK in CRL OP(MD) No.13329 of 2017
Mr.K.RAJESHWARAN in CRL OP(MD) No.13330 of 2017
Mr.A.ARASUGANESAN in CRL OP(MD) No.13348 of 2017
Mr.G.KARUPPASAMY PANDIAN in CRL OP(MD) Nos.13349 & 13436 of 2017
Mr.B.ARUN in CRL OP(MD) No.13360 of 2017
Mr.M.ESWARAN in CRL OP(MD) No.13363 of 2017
Mr.J.WILLIAM CHRISTOPHER in CRL OP(MD) No.13371 of 2017
M/s.S.BHARATHI in CRL OP(MD) No.13373 of 2017
Mr.T.VADIVELAN in CRL OP(MD) No.13386 of 2017
M/S.R.ALAGUMANI in CRL OPs(MD) No.13392,13395,13431,13434 & 13439 of 2017
Mr.M.KARUNANITHI in CRL OP(MD) No.13411 of 2017
Mr.R.GANDHI in CRL OP(MD) No.13429 of 2017
Mr.A.SIVASUBRAMANIAN in CRL OP(MD) No.13432 of 2017
Mr.R.MURUGAN in CRL OP(MD) No.13437 of 2017
M/S.A.MURALIKUMAR in CRL OP(MD) No.13438 of 2017

For Respondents : Mr.K.Anbarasan
Government Advocate(Crl.Side).
In all Crl. Ops

COMMON ORDER

All these Criminal Original Petitions are filed under Section 482 of Cr.P.C. seeking for a direction, by directing the concerned respondent Police to register a case on the complaint of the petitioners in the respective cases. Since the issues involved in all these petitions are one and the same, all the petitions are



clubbed together and the following common order is passed.

2.The question arises herein is whether this Court can entertain the petition filed under Section 482 of Cr.P.C. for a direction to register a case on the basis of the compliant given, which discloses cognizable offence.

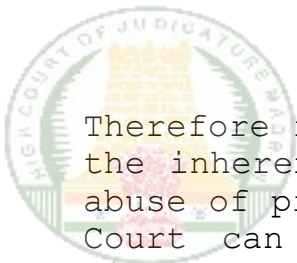
3.It is settled law that the Hon'ble Supreme Court in *Lalita Kumari Vs. Government of Uttar Pradesh and others* [2013 (6) CTC 353], held that registration of an FIR is mandatory under Section 154 of the Code of Criminal Procedure if an information furnished to the police officer disclose commission of a cognizable offence and in cases where the information does not disclose a cognizable offence, a preliminary enquiry has to be conducted. As such the respondent/ Police is not justified in having received the complaint and keeping it unattended without any further action. Therefore, the petitioners are before this Court invoking the inherent power of this Court under Section 482 Cr.P.C.

4.In *Sugesan Transport Pvt. Ltd., v. The Assistant Commissioner of Police*, reported in 2016 (5) CTC 577, this Court has held that without exhausting the alternative remedy contemplated under Sections 154 and 156 of Cr.P.C. the petition is not maintainable before this Court with a prayer to register the case and a guideline has been issued to the registry to verify the affidavit filed to the effect of exhausting of alternative remedy and if no such affidavit is filed directed the registry not to entertain the petition. It says that the petition should be rejected at the threshold without any hesitation.

5.This Court in *K.Raghupathy v. The Commissioner of Police, Greater Chennai*, reported in 2017 (4) CTC 462, after referring the judgment of the Hon'ble Apex Court has held that the petition is maintainable and there cannot be a total ban for entertaining the petition and thus answered that the petition is maintainable.

6.In addition to the same this Court wants to discuss the same elaborately to some extent as to whether the Registry can refuse to number the petition on the ground of availability of alternative remedy in toto. The reading of Section 482 of Cr.P.C. is very clear that it is the power given with a non obstante clause.

"482. Saving of inherent powers of High Court.—Nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as may be necessary to give effect to any order under this Code, or to secure the ends of justice."



Therefore nothing contained in the Cr.P.C. shall be deemed to limit the inherent power of High Court to pass suitable orders to prevent abuse of process of any Court or to secure the ends of justice. This Court can invoke the power under Section 482 if the facts and circumstance warrants to pass an order to meet the ends of justice.

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7. In the judgment of Full Bench of this Court in **R. Sankarasubbu v. The Commissioner of Police, Egmore**, reported in **2013 (1) CTC 1 (FB)**, this Court has categorically held that there is no bar for the High Court to exercise its power under Article 226 of the Constitution of India or under Section 482 of Cr.P.C. to examine the Status Reports and to issue a direction to the Investigating Agency to investigate further or to direct a different agency to further investigate as follows:-

"36. From a close reading of the above judgment relied on by the learned Counsel for the Petitioner, it is crystal clear that there is no bar for the High Court to exercise its power under Article 226 of the Constitution or under Section 482 of Cr.P.C. to examine the Status Reports and to issue a direction to the Investigating Agency to investigate further or to direct a different agency to further investigate. The power of this Court, under Article 226 of the Constitution of India, is so wide and it is not either limited or restricted by any other provision of the Constitution. Nor can there be any such restriction/limitation imposed by the Code of Criminal Procedure. But, in course of the time, the Courts have evolved certain self-imposed restrictions for exercising the said power under Article 226 of the Constitution of India. One such self-imposed restriction is not to entertain a Writ Petition, when the party aggrieved, has got an efficacious alternative remedy. But, it is also the law that in appropriate cases, despite the availability of the alternative remedy, the High Courts are inclined to exercise the power under Article 226 of the Constitution of India.

8. In **Prabhu Chawla v. State of Rajasthan, (2016) 16 SCC 30**, the Hon'ble Supreme Court [3 Judges] has categorically held that the alternative remedy of revision shall not affect the jurisdiction of High Court under Section 482 of Cr.P.C. to pass orders in the circumstances mentioned in the above Section. The relevant portion is extracted as follows:-

6. In our considered view any attempt to explain the law further as regards the issue relating to inherent power of the High Court under Section 482 CrPC is unwarranted. We would simply reiterate that Section 482 begins with a non obstante clause to state:

"482. **Saving of inherent powers of High Court.**—Nothing in this Code shall be deemed to limit or affect the inherent powers of the High Court to make such orders as



may be necessary to give effect to any order under this Code, or to prevent abuse of the process of any court or otherwise to secure the ends of justice."

A fortiori, there can be no total ban on the exercise of such wholesome jurisdiction where, in the words of Krishna Iyer, J.

"abuse of the process of the court or other extraordinary situation excites the Court's jurisdiction. The limitation is self-restraint, nothing more". (*Raj Kapoor case*, SCC p. 48, para 10)

We venture to add a further reason in support. Since Section 397 CrPC is attracted against all orders other than interlocutory, a contrary view would limit the availability of inherent powers under Section 482 CrPC only to petty interlocutory orders, a situation wholly unwarranted and undesirable.

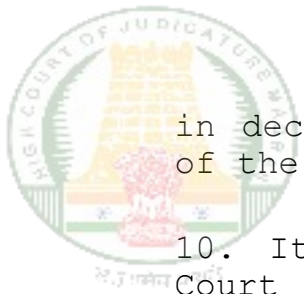
7. As a sequel, we are constrained to hold that the Division Bench, particularly in para 28, in *Mohit* in respect of inherent power of the High Court in Section 482 CrPC does not state the law correctly. We record our respectful disagreement.

8. In our considered opinion the learned Single Judge of the High Court should have followed the law laid down by this Court in *Dhariwal Tobacco Products Ltd.* and other earlier cases which were cited but wrongly ignored them in preference to a judgment of that Court in *Sanjay Bhandari* passed by another learned Single Judge on 5-2-2009 in SB Criminal Miscellaneous Petition No. 289 of 2006 which is impugned in the connected criminal appeal arising out of Special Leave Petition No. 4744 of 2009. As a result, both the appeals, one preferred by Prabhu Chawla and the other by Jagdish Upasane and others are allowed. The impugned common order dated 2-4-2009 passed by the High Court of Rajasthan is set aside and the matters are remitted back to the High Court for fresh hearing of the petitions under Section 482 CrPC in the light of law explained above and for disposal in accordance with law. Since the matters have remained pending for long, the High Court is requested to hear and decide the matters expeditiously, preferably within six months.

9. In yet another case, ***Punjab State Warehousing Corpn. v. Shree Durga Ji Traders, (2011) 14 SCC 615***, the Hon'ble Supreme Court has categorically held that the inherent power of the High Court ought to be exercised to prevent miscarriage of justice or to prevent the abuse of the process of the Court or to otherwise secure the ends of justice. The Court possesses wide discretionary powers under the Section to secure these ends. The relevant portion of the judgment is extracted hereunder:-

<https://hcservices.ecourts.gov.in/hcservices/>

"9. The short question that falls for consideration is whether in the fact situation the High Court was justified



in declining to exercise its jurisdiction under Section 482 of the Code?

10. It is trite law that the inherent power of the High Court ought to be exercised to prevent miscarriage of justice or to prevent the abuse of the process of the court or to otherwise secure the ends of justice. The Court possesses wide discretionary powers under the section to secure these ends. In this behalf it would be profitable to refer to the decision of this Court in *Jeffrey J. Diermeier v. State of W.B.* wherein one of us (D.K. Jain, J.), speaking for the Bench, explained the scope and ambit of inherent powers of the High Court under Section 482 of the Code as follows: (SCC p. 251, paras 20 & 22)

20. ... The section itself envisages three circumstances under which the inherent jurisdiction may be exercised, namely, (i) to give effect to an order under the Code; (ii) to prevent abuse of the process of court; and (iii) to otherwise secure the ends of justice. Nevertheless, it is neither possible nor desirable to lay down any inflexible rule which would govern the exercise of inherent jurisdiction of the Court. Undoubtedly, the power possessed by the High Court under the said provision is very wide but is not unlimited. It has to be exercised sparingly, carefully and cautiously, *ex debito justitiae* to do real and substantial justice for which alone the court exists. It needs little emphasis that the inherent jurisdiction does not confer an arbitrary power on the High Court to act according to whim or caprice. The power exists to prevent abuse of authority and not to produce injustice.

22. In *Dinesh Dutt Joshi v. State of Rajasthan*, while dealing with the inherent powers of the High Court, this Court has observed thus: (SCC p. 573, para 6)

'6. ... The principle embodied in the section is based upon the maxim: *quando lex aliquid alicui concedit, concedere videtur et id sine quo res ipsae esse non potest* i.e. when the law gives anything to anyone, it gives also all those things without which the thing itself would be unavailable. The section does not confer any new power, but only declares that the High Court possesses inherent powers for the purposes specified in the section. As lacunae are sometimes found in procedural law, the section has been embodied to cover such lacunae wherever they are discovered. The use of extraordinary powers conferred upon the High Court under this section are however required to be reserved, as far as possible, for extraordinary cases."

11. Bearing in mind the aforestated legal position in regard to the scope and width of the power of the High Court under



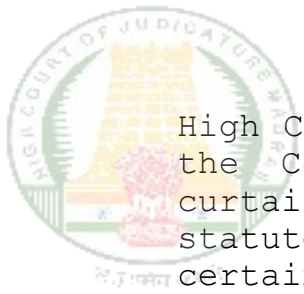
Section 482 of the Code, we are of the opinion that the impugned decision is clearly indefensible. As noted above, the High Court has rejected the petition under Section 482 of the Code on the ground of availability of an alternative remedy without considering the seriousness of the nature of the offences and the fact that the trial court had dismissed the complaint on a hypertechnical ground viz. since the complainant had been appearing in person, despite the order dated 16-4-1999, exempting him from personal appearance, the said exemption order became redundant and the complainant should have sought a fresh exemption from personal appearance. We feel that such a view defies any logic. An order of exemption from personal appearance continues to be in force till it is revoked or recalled.

12. We are convinced that in the instant case, rejection of the appellant's petition under Section 482 of the Code has resulted in miscarriage of justice. Availability of an alternative remedy of filing an appeal is not an absolute bar in entertaining a petition under Section 482 of the Code. As aforesaid, one of the circumstances envisaged in the said section, for exercise of jurisdiction by the High Court is to secure the ends of justice. Undoubtedly, the trial court had dismissed the complaint on a technical ground and therefore, interests of justice required the High Court to exercise its jurisdiction to set aside such an order so that the trial court could proceed with the trial on merits."

10. In ***Union of India v. Mangal Textile Mills (I) (P) Ltd., (2010) 14 SCC 553***, at page 556, the Hon'ble Supreme Court has categorically held that availability of an alternative remedy does not operate as an absolute bar to entertaining a writ petition but is a rule of discretion to be exercised depending on the facts of each case. The relevant portion of judgment is extracted hereunder:-

"6. The learned counsel appearing for the appellants submits that since the issues, subject-matter of the writ petition, not only involved the valuation of plant and machinery, even the question of disclosure or non-inclusion of some of the machines like stenters, etc. was also required to be gone into for determining whether the assessee was entitled to the relief claimed and these being questions of fact, the High Court erred in exercising its jurisdiction under Article 226 of the Constitution. According to the learned counsel, since an alternative statutory remedy by way of appeal before the Customs, Excise and Service Tax Appellate Tribunal (for short "CESTAT") was available to the assessee, the writ petition should have been dismissed at the threshold.

7. We find substance in the contention of the learned counsel for the appellants. It is true that power of the



High Court to issue prerogative writs under Article 226 of the Constitution is plenary in nature and cannot be curtailed by other provision of the Constitution or a statute but the High Courts have imposed upon themselves certain restrictions on the exercise of such power. One of such restrictions is that if an effective and efficacious remedy is available, the High Court would not normally exercise its jurisdiction under Article 226 of the Constitution. But again, this rule of exclusion of writ jurisdiction on account of availability of an alternative remedy does not operate as an absolute bar to entertaining a writ petition but is a rule of discretion to be exercised depending on the facts of each case.

8. On this aspect, the following observations by the Constitution Bench of this Court in *Collector of Customs v. Ramchand Sobhraj Wadhvani*, which still holds the field, are quite apposite: (AIR pp. 1509-10, para 10)

"10. The passages in the judgments of this Court we have extracted would indicate (1) that the two exceptions which the learned Solicitor General formulated to the normal rule as to the effect of the existence of an adequate alternative remedy were by no means exhaustive, and (2) that even beyond them a discretion vested in the High Court to have entertained the petition and granted the petitioner relief notwithstanding the existence of an alternative remedy. We need only add that the broad lines of the general principles on which the Court should act having been clearly laid down, their application to the facts of each particular case must necessarily be dependent on a variety of individual facts which must govern the proper exercise of the discretion of the Court, and that in a matter which is thus pre-eminently one of the discretion, it is not possible or even if it were, it would not be desirable to lay down inflexible rules which should be applied with rigidity in every case which comes up before the Court."

9. In *Harbanslal Sahnia v. Indian Oil Corpn. Ltd.*³, enumerating the contingencies in which the High Court could exercise its writ jurisdiction in spite of availability of the alternative remedy, this Court observed thus: (SCC p. 110, para 7)

"7. ... that the rule of exclusion of writ jurisdiction by availability of an alternative remedy is a rule of discretion and not one of compulsion. In an appropriate case, in spite of availability of the alternative remedy, the High Court may still exercise its writ jurisdiction in at least three contingencies: (i) where the writ petition seeks enforcement of any of the fundamental rights; (ii) where there is failure of principles of natural justice; or (iii) where the



orders or proceedings are wholly without jurisdiction or the vires of an Act is challenged."

10. We are of the opinion that on the facts of the present case, exercise of writ jurisdiction by the High Court was unwarranted. As rightly pointed out by the learned counsel appearing on behalf of the Revenue, the controversy in the instant case centred around valuation of plant and machinery as also inclusion or non-inclusion of certain machines, in use or not or in working condition or not, which are primarily questions of fact.

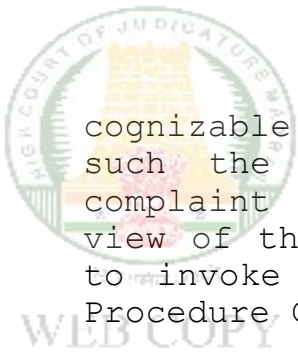
11. Faced with the situation, Mr Bagaria, learned Senior Counsel appearing on behalf of the assessee, prays that the respondents may be permitted to file appeals before CESTAT against the aforesaid orders passed by the Commissioner.

12. Having regard to the facts and circumstances of the case, we are inclined to accede to the prayer made on behalf of the assessee. Accordingly, we allow the appeals; set aside the impugned orders and direct that if the assessee prefers appeals to CESTAT, within six weeks from today, the Tribunal shall entertain the appeals after condoning the delay in filing the said appeals and dispose of the same on merits in accordance with law as expeditiously as possible."

11. The aforesaid judgments clearly declared the law that there cannot be a total ban for entertaining the petition even though there is an alternative remedy and the same has to be tested depends upon the facts of each case by the Court while hearing the petition on merits.

12. Therefore, this Court is of the considered view that to verify the veracity of the particular complaint whether the same makes out any cognizable offence or not would also come within the ambit of the inherent power of the High Court as contemplated under Section 482 of the Code. Further, it to be borne in mind that as far as Subordinate Courts are concerned, they have not vested with any inherent power as provided to the High Court. The perspective thinking of the framing of the legislation here, the Code of Criminal Procedure, must have been for the ends of justice and to secure the ends of justice. Under these premises and with the foregoing discussions, this Court has no hesitation to hold that the inherent power as contemplated in the code must be utilized with its true spirit not for mere formality with an intention to disown the true responsibility.

13. It is well settled in the judgment of the Hon'ble Supreme Court in *Lalita Kumari Vs. Government of Uttar Pradesh and others* [2013 (6) CTC 353], that registration of an FIR is mandatory under Section 154 of the Code of Criminal Procedure if an information furnished to the police officer disclose commission of a cognizable offence and in cases where the information does not disclose a



cognizable offence, a preliminary enquiry has to be conducted. As such the respondent is not justified in having received the complaint and keeping it unattended without any further action. In view of the same, the petitioners are made out case for this Court to invoke its inherent powers under Section 482 of the Criminal Procedure Code.

14. Therefore with these observations all the Criminal Original Petitions are liable to be allowed with the following directions and the same should be completed within a stipulated period of time, since in all the cases though the respondents in respective Criminal Original Petitions were received complaints, but till date it is pending without any further progress, either to register the First Information Report or conducting enquiry.

15. In the result, the respondents are directed as follows:

a) If the information received by the respondent discloses commission of a cognizable offence, then, the same shall be forthwith registered.

b) If an information received does not disclose a cognizable offence, the respondent shall conduct a preliminary inquiry to ascertain whether cognizable offence is disclosed therein or not and such inquiry shall be completed within a period of seven days from the date of information.

c) If the inquiry discloses the commission of a cognizable offence, the FIR must be registered, if not already registered or closed.

d) If the preliminary inquiry ends in closing the complaint, the disclosure report must be recorded along with the reasoning and a copy of the same shall be furnished to the complainant within one week.

e) All information relating to cognizable offences whether resulting in registration of FIR or leading an inquiry must be reflected in the general diary/station diary/daily diary of the respondent's police station.

f) The police officer cannot avoid his duty of registering offence if cognizable offence is disclosed in the complaint. On failure of taking the swift action by the police in a case where cognizable offence is clearly made out the Judicial Magistrate concerned apart from ordering direction to register the case, also recommend for taking action against erring officers who do not register the FIR if information received by him discloses a cognizable offence.

g) The Aggrieved person can also approach the superior authority or the Judicial Magistrate Court concerned for taking appropriate action against the erring officials.



16. Accordingly, all the Criminal Original Petitions are allowed with the above direction. No costs.

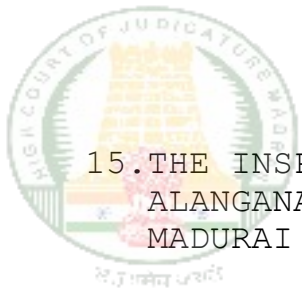
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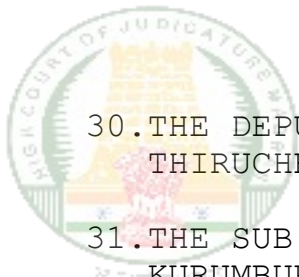
Sub Assistant Registrar

To

1. THE INSPECTOR OF POLICE,
THENKARAI POLICE STATION,
THENI DISTRICT.
2. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
3. THE SUPERINTENDENT OF POLICE,
THANJAVUR DISTRICT, THANJAVUR.
4. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, THANJAVUR.
5. THE INSPECTOR OF POLICE,
NADU KAVERY POLICE STATION, THANJAVUR DISTRICT.
6. THE SUPERINTENDENT OF POLICE,
VIRUDHUNAGAR DISTRICT.
7. THE DEPUTY SUPERINTENDENT OF POLICE,
SIVAKASI, VIRUDHUNAGAR DISTRICT.
8. THE INSPECTOR OF POLICE,
SIVAKASI TOWN POLICE STATION, VIRUDHUNAGAR DISTRICT.
9. THE COMMISSIONER OF POLICE,
MADURAI CITY, MADURAI.
10. THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, MADURAI CITY.
11. THE INSPECTOR OF POLICE,
K. PUDUR POLICE STATION, MADURAI, MADURAI DISTRICT.
12. THE SUPERINTENDENT OF POLICE,
TRICHY DISTRICT.
13. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, TRICHY DISTRICT.
14. THE SUPERINTENDENT OF POLICE,
MADURAI DISTRICT, MADURAI.



15. THE INSPECTOR OF POLICE,
ALANGANALLUR POLICE STATION, ALANGANALLUR,
MADURAI DISTRICT.
16. THE SUPERINTENDENT OF POLICE,
KANYAKUMARI DISTRICT, NAGERCOIL.
17. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, NAGERCOIL,
KANYAKUMARI DISTRICT.
18. THE COMMISSIONER OF POLICE,
TRICHY.
19. THE INSPECTOR OF POLICE,
CITY CRIME BRANCH, TRICHY.
20. THE INSPECTOR OF POLICE,
S.S.COLONY POLICE STATION, MADURAI DISTRICT.
21. THE INSPECTOR OF POLICE,
TOWN POLICE STATION, THIRUMANGALAM, MADURAI DISTRICT.
22. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, KANYAKUMARI DISTRICT, NAGERCOIL.
23. THE INSPECTOR OF POLICE,
SAYALKUDI POLICE STATION, RAMNAD DISTRICT.
24. THE DEPUTY INSPECTOR GENERAL OF POLICE,
O/O. THE DEPUTY INSPECTOR GENERAL OF POLICE,
RAMANATHAPURAM.
25. THE SUPERINTENDENT OF POLICE,
O/O. THE SUPERINTENDENT OF POLICE,
SIVAGANGAI DISTRICT.
26. THE COMMISSIONER OF POLICE,
TIRUNELVELI CITY.
27. THE INSPECTOR OF POLICE
C1 PALAYAMKOTTAI POLICE STATION,
PALAYAMKOTTAI.
28. THE SUPERINTENDENT OF POLICE
TRICHY DISTRICT, TRICHY.
29. THE DEPUTY SUPERINTENDENT OF POLICE,
TRICHY ROAD, MUSIRI, TRICHY.



30. THE DEPUTY SUPERINTENDENT OF POLICE,
THIRUCHENDUR TALUK, THOOTHUKUDI DISTRICT.

31. THE SUB INSPECTOR OF POLICE,
KURUMBUR POLICE STATION KURUMPUR
THOOTHUKUDI DISTRICT.

32. THE INSPECTOR OF POLICE,
(L&O) TALLAKULAM POLICE STATION, MADURAI CITY.

33. THE INSPECTOR OF POLICE,
VEDASANDHUR POLICE STATION, DINDIGUL DISTRICT.

34. THE SUPERINTENDENT OF POLICE,
RAMNADAPURAM DISTRICT AT RAMANATHAPURAM.

35. THE INSPECTOR OF POLICE,
KEEZHATHUVAL POLICE STATION, RAMANATHAPURAM DISTRICT.

36. THE SUB INSPECTOR OF POLICE,
ALANGULAM POLICE STATION, VIRUDHUNAGAR DISTRICT.

37. THE SUPERINTENDENT OF POLICE,
PUDUKKOTTAI DISTRICT, PUDUKKOTTAI.

38. THE INSPECTOR OF POLICE,
ANTI LAND GRABBING SPECIAL CELL,
OFFICE OF THE DISTRICT CRIME BRANCH,
OPPOSITE TO COLLECTORS QUARTERS, PUDUKKOTTAI.

39. THE SUPERINTENDENT OF POLICE,
O/O. THE SUPERINTENDENT OF POLICE ,
THENI DISTRICT.

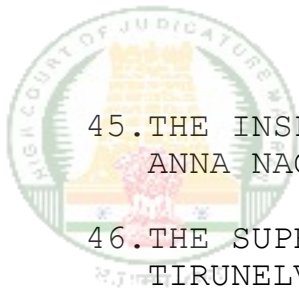
40. THE INSPECTOR OF POLICE,
VAGAIANAI POLICE STATION, THENI DISTRICT.

41. THE SUPERINTENDENT OF POLICE,
O/O. THE SUPERINTENDENT OF POLICE ,
SUBRAMANIAPURAM, TRICHY DISTRICT.

42. THE INSPECTOR OF POLICE,
THIRUVARUMPOOR POLICE STATION, TRICHY DISTRICT.

43. THE SUPERINTENDENT OF POLICE,
DINDIGUL DISTRICT, DINDIGUL.

44. THE INSPECTOR OF POLICE,
NATHAM POLICE STATION, DINDIGUL DISTRICT,
DINDIGUL.



45. THE INSPECTOR OF POLICE,
ANNA NAGAR POLICE STATION, MADURAI.

46. THE SUPERINTENDENT OF POLICE,
TIRUNELVELI DISTRICT, TIRUNELVELI.

47. THE INSPECTOR OF POLICE,
PANAGUDI POLICE STATION, TIRUNELVELI DISTRICT.

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48. THE INSPECTOR OF POLICE,
SOMARASAMPETTAI POLICE STATION,
SOMARASAMPETTAI, TRICHY DISTRICT.

49. THE INSPECTOR OF POLICE,
ANTI LAND GRABBING SPECIAL CELL,
OFFICE OF THE DISTRICT CRIME BRANCH,
OPPOSITE TO COLLECTORS QUARTERS, PUDUKKOTTAI.

50. THE INSPECTOR OF POLICE,
LALAPETTAI POLICE STATION, KARUR DISTRICT.

51. THE INSPECTOR OF POLICE,
GANDARVAKOTTAI POLICE STATION,
GANDARVAKOTTAI, PUDUKOTTAI DISTRICT.

52. THE INSPECTOR OF POLICE,
VILAKKOTHOON POLICE STATION (LAW & ORDER)
MADURAI DISTRICT.

53. THE DEPUTY SUPERINTENDENT OF POLICE,
SAMAYANALLUR POLICE STATION,
MADURAI.

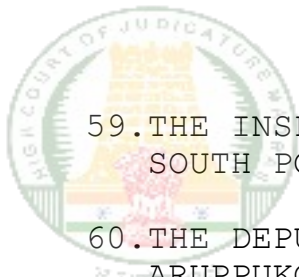
54. THE SUB INSPECTOR OF POLICE,
KARAMBAKUDI POLICE STATION, KARAMBAKUDI,
PUDUKOTTAI DISTRICT.

55. THE INSPECTOR OF POLICE,
TIRUNELVELI PETTAI POLICE STATION, TIRUNELVELI DISTRICT.

56. THE INSPECTOR GENERAL OF POLICE, SOUTH ZONE,
OFFICE OF THE INSPECTOR GENERAL OF POLICE,
ALAGARKOVIL ROAD, MADURAI.

57. THE INSPECTOR OF POLICE,
THATACHANALLUR POLICE STATION,
THATACHANALLUR, TIRUNELVELI DISTRICT.

58. THE SUPERINTENDENT OF POLICE,
THOOTHURUDI DISTRICT.



59. THE INSPECTOR OF POLICE,
SOUTH POLICE STATION, THOOTHUKUDI.

60. THE DEPUTY SUPERINTENDENT OF POLICE,
ARUPPUKOTTAI, VIRUDHUNAGAR DISTRICT.

61. THE INSPECTOR OF POLICE,
AAVIYUR POLICE STATION,
VIRUDHUNAGAR DISTRICT.

62. THE DIRECT GENERAL OF POLICE,
DGP OFFICE, MYLAPORE, KAMARAJ SALAI, CHENNAI.

63. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, SIVAGANGAI DISTRICT.

64. THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
RAMANATHAPURAM DISTRICT.

65. THE INSPECTOR OF POLICE,
KADAIYAM POLICE STATION, TIRUNELVELI DISTRICT.

66. THE JUDICIAL MAGISTRATE, THANJAVUR.

67. THE CHIEF JUDICIAL MAGISTRATE, THANJAVUR.

68. THE JUDICIAL MAGISTRATE, VIRUDHUNAGAR.

69. THE CHIEF JUDICIAL MAGISTRATE, VIRUDHUNAGAR DISTRICT.

70. THE JUDICIAL MAGISTRATE, MADURAI.

71. THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

72. THE JUDICIAL MAGISTRATE, TRICHY.

73. THE CHIEF JUDICIAL MAGISTRATE, TRICHY.

74. THE JUDICIAL MAGISTRATE, NAGERCOIL.

75. THE CHIEF JUDICIAL MAGISTRATE, NAGERCOIL @ KANYAKUMARI DISTRICT.

76. THE JUDICIAL MAGISTRATE, RAMANATHAPURAM.

77. THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT.

78. THE JUDICIAL MAGISTRATE, SIVAGANGAI.

79. THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.

80. THE JUDICIAL MAGISTRATE, PALAYAMKOTTAI.

81. THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

82. THE JUDICIAL MAGISTRATE, TIRUCHENDUR.

83. THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.

84. THE JUDICIAL MAGISTRATE, VEDASANDHUR.

85. THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.

86. THE JUDICIAL MAGISTRATE, PUDUKKOTTAI.

87. THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI DISTRICT.

88. THE JUDICIAL MAGISTRATE, THENI.

89. THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

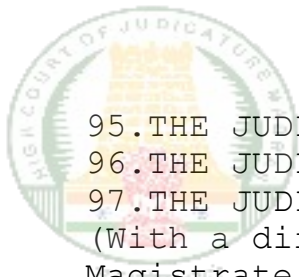
90. THE JUDICIAL MAGISTRATE, THIRUVERUMBUR.

91. THE JUDICIAL MAGISTRATE, DINDIGUL.

92. THE JUDICIAL MAGISTRATE, TIRUNELVELI.

93. THE JUDICIAL MAGISTRATE, KARUR.

94. THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.



95.THE JUDICIAL MAGISTRATE, ARUPPUKOTTAI.

96.THE JUDICIAL MAGISTRATE, KADAYAM.

97.THE JUDICIAL MAGISTRATE, THOOTHUKUDI.

(With a direction to forward this order to the concerned Judicial Magistrate Courts)

+1cc to A.SIVASUBRAMANIAN Advocate in SR. No. 81463

+1cc to R.GANDHI Advocate in SR. No. 81342

+1cc to M.KARUNANITHI Advocate in SR. No. 81404

+1cc to Mr.M.MURALIKUMAR Advocate in SR. No. 81442

+7cc to Mr.G.KARUPPASAMY PANDIAN Advocate in SR. No. 81439,81398

+5cc to M/s.R.ALAGUMANI Advocate in SR. Nos. 81506,81510,81507,
81509,81511/17

+3cc to M/s.S.KARTHICK SUBRAMANIAN Advocate in SR. No. 81596 to
81598

+1cc to M/s.T.VADIVELAN Advocate in SR. No. 81491

+1cc to M/s.S.BHARATHI Advocate in SR. No. 81512

+1cc to M/s.J.WILLIAM CHRISTOPHER Advocate in SR. No. 81409

+1cc to M/s. M.ESWARAN Advocate in SR. No. 81390

+1cc to M/s.B.ARUN Advocate in SR. No. 81391

+1cc to M/s.A.ARASU GANESAN Advocate in SR. No. 81402

+1cc to M/s.K.RAJESHWARAN Advocate in SR. No. 81457

+1cc to M/s.M.S.JEYAKARTHIK Advocate in SR. No. 81515

+1cc to M/s.A.VADIVEL Advocate in SR. No. 81484

+1cc to M/s.R.KARUNANIDHI Advocate in SR. No. 81396

+1cc to M/s.J.JEYAKUMARAN Advocate in SR. No. 81410

+1cc to M/s. V.THIRUMAL Advocate in SR. No. 81447

+1cc to M/s.S.VANCHINATHAN Advocate in SR. No. 81397

+1cc to M/s. D.SELVANAYAGAM Advocate in SR. No. 81394

+1cc to M/s.S.CHELLAPANDIAN Advocate in SR. No. 81407

+1cc to M/s. R.YAMUNA Advocate in SR. No. 81419

+2cc to M/s. T.SELVAKUMARAN Advocate in SR. No. 81389,81388

+4cc to M/s.N.SATHISH BABU Advocate in SR. No. 81428,81429,81430&
81431

+2cc to M/s.A.MITHUN CHAKRAVARTHI Advocate in SR. No. 81446,81445
VSA/SKN

JS/JC/SAR.1/13.10.2017/29P-140C

CRL OP(MD)Nos.13268, 13272, 13278, 13285 to
13287,13290, 13293, 13295, 13297, 13300, 13303 to 13305, 13308,
13309, 13311, 13322, 13329, 13330, 13348, 13349, 13359, 13360,
13363, 13371, 13373, 13380, 13386, 13391 to 13393, 13395, 13411,
13429, 13431, 13432, 13434, 13436 to 13439 of 2017
28.09.2017