



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2017

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THE HON'BLE MR.JUSTICE P.N.PRAKASH

W.P. (MD) No.23762 of 2016

and

W.M.P. (MD) No.17088 of 2016

S.P.D.Karuppiah

... Petitioner

-vs-

1.The State of Tamil Nadu,
represented by it's Home Secretary,
Secretariat, Chennai.

2.The Director General of Police,
Directorate, Beach Road, Chennai.

3.The Superintendent of Police,
Sivagangai District.

4.The Inspector of Police,
Karaikudi South Police Station,
Sivagangai District.

5.Mr.Sadhu Ramesh,
Inspector of Police,
Karaikudi South Police Station,
Sivagangai District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents No.1 to 3 to provide compensation to the petitioner within the stipulated period in accordance with law.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.T.S.Mohammed Mohideen
Additional Government Pleader
for R.1 to R.4
: Mr.J.Anandkumar
for R.5

O R D E R

It is seen that on the complaint lodged by one Shanmuga Sundaram, the fourth respondent police registered a case in Cr.No.85 of 2014 for the offences under Sections 465, 468, 471, 420 I.P.C. against this petitioner herein and after completing the investigation filed closure report on 14.12.2014. Therefore, the petitioner is before this Court for a direction to the respondent police to give him compensation for having registered a case against him and for closing it as mistake of fact.

2. Heard the learned Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents 1 to 4.

3. In the considered opinion of this Court, when a complaint is given against a person, law mandates that an F.I.R. should be registered on the complaint if it discloses a commission of cognizable offence. This has been reiterated by a Constitutional Bench of the Honourable Supreme Court in **Lalitha Kumari vs. Govt. of U.P & others [2013 (4) Crimes 243 (SC)]**. Therefore, the police have only performed their statutory duty under Section 154 Cr.P.C. by registering the F.I.R. in Cr.No.85 of 2014 on the complaint given by Shanmuga Sundaram, as the said complaint disclosed the commission of cognizable offence. Thereafter the police took up the investigation in terms of Chapter 12 of the Code and found that the allegations of Shanmuga Sundaram were baseless. Therefore, they have filed the closure report as stated above.

4. The learned Additional Government Pleader submitted that on receipt of the closure report, the defacto complainant viz., Shanmuga Sundaram, has preferred a private complaint against this petitioner and the same is pending in C.C.No.434 of 2016. He further submitted that the petitioner is a history sheeter in as much as he is having 12 criminal cases.

5. Be that as it may, in the considered opinion of this Court, a Writ of Mandamus cannot be issued as prayed for by the petitioner where the police have performed their statutory duties as enjoined by law. In view of the above, the Writ Petition is closed with liberty to the petitioner to work out his remedy in the manner known to law.No costs. Consequently the connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(Co)

/True copy/

Sub Assistant Registrar



To:

- 1.The Home Secretary,
The State of Tamil Nadu,
Secretariat, Chennai.
- 2.The Director General of Police,
Directorate, Beach Road, Chennai.
- 3.The Superintendent of Police,
Sivagangai District.
- 4.The Inspector of Police,
Karaikudi South Police Station,
Sivagangai District.

+1 cc to Mr.J.Anand Kumar , Advocate in SR.No. 19216
+1 cc to Mr.T.Lajapathi Roy , Advocate in SR.No. 50121
+1 cc to Special Government Pleader in SR.No:50412

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AE/SV MMS/SAR2/27.04.2017/3P/8C

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