

HON'BLE SRI JUSTICE RAJA ELANGO

Writ Petition No.46024 of 2016

ORDER:

The Writ Petition is filed under Article 226 of the Constitution of India seeking to declare the action of the 2nd and 3rd respondents in not taking action against respondents 4 and 5 by conducting enquiry on the complaint dated 14-12-2016 and 15-12-2016 as illegal and arbitrary and consequently direct respondents 2 and 3 to register complaint dated 14-12-2016 and 15-12-2016 of petitioners.

Heard and perused the material available on record.

After perusal of the complaint when this Court asked petitioners' counsel what is the offence made out, he fairly conceded that the offence under Section 138 of Negotiable Instruments Act is made out. The Court is of the view that the Police have no power to register a case for the offence under Section 138 of the Negotiable Instruments Act.

Hence, the Writ Petition is disposed of with the direction that if the petitioners are aggrieved over the action of respondents 4 and 5, they are at liberty to take appropriate action before the Court concerned. No costs.

Consequently, Miscellaneous Petitions pending, if any, in the Writ Petition shall stand closed.

JUSTICE RAJA ELANGO

04th January, 2017

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