

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.No.7194 of 2018

and

W.MP.No.8933 of 2018

1.M.Vasanth

2.Balamanikandan

3.H.Lavanya

4.B.Kanagalakshmi ... Petitioners

Versus

1.The Commissioner of Police,
Coimbatore City,
Office of the Commissionerate,
Coimbatore.

2.The Sub-Inspector of Police,
B-10, Selvapuram Police Station,
Coimbatore City.

3.The Member Secretary (In-charge),
Coimbatore Town and Country Planning,
Office of the Corporation of Coimbatore,
Sivananda Colony, Coimbatore - 12.

4.The Assistant Commissioner,
Coimbatore Corporation,
South Zone,
Sivananda Colony,
Coimbatore - 12.

5. Jayadurai

6. Ponraj

7.Nelson ... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issuance of Writ of Mandamus, to direct the 2nd respondent to take action on my complaint dated 02.03.2018 in C.S.R.No.85 of 2018 against 5 to 7 respondents and to provide police protection to the petitioners land bearing Ward No.3, Old Block - 8, New Block No.27, Kumarapalayam Village, Coimbatore south Division in

T.S.No.2022/3, 2023/2, 2024, 2025/2, 2032/2, Old S.No.539/1, New S.No.500/9b, total extent of 2.752 acres of land.

For Petitioners : Mr.S.Venkatesh
For Respondents : Mr.D.Raja
Additional Government Advocate

ORDER

This petition is filed seeking a direction to the 2nd respondent to take action on the complaint dated 02.03.2018 in C.S.R.No.85 of 2018 against the respondents 5 to 7 and to provide police protection to the petitioners.

2. By consent of both sides, this Writ Petition is taken up for final disposal.

3.The grievance of the petitioners are that inspite of a complaint given by the petitioners on 02.03.2018 in C.S.R.No.85 of 2018 against 5 to 7 respondents, the same has been kept in abeyance without any action. 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.

4. The respondents police 1 and 2 are not justified in having received the complaint and keeping it unattended without any further action. In view of the same, the petitioners have made out a case for this Court to invoke its inherent powers under Section 482 of the Criminal Procedure Code.

5.In the result, the petitioners are directed to give a copy of the complaint dated 02.03.2018 to the Station House Officer having territorial jurisdiction over the issue. On receipt of the said copy of the complaint, the concerned Station House Officer shall adhere to the following directions.

1)If the information received by the 2nd respondent discloses commission of a cognizable offence, then, the same shall be forthwith registered.

2)If an information received does not disclose a cognizable offence, the 2nd 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 fifteen days from the date of information.

3) If the inquiry discloses the commission of a cognizable offence, the FIR must be registered,

if not already registered or closed.

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

5) 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 2nd respondent's police station.

6. In the result, the Writ Petition is allowed with the above directions. No costs. Consequently, the connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Commissioner of Police,
Coimbatore City,
Office of the Commissionerate,
Coimbatore.
- 2.The Sub-Inspector of Police,
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Coimbatore City.
- 3.The Member Secretary (In-charge),
Coimbatore Town and Country Planning,
Office of the Corporation of Coimbatore,
Sivananda Colony, Coimbatore - 12.
- 4.The Assistant Commissioner,
Coimbatore Corporation,
South Zone,
Sivananda Colony,
Coimbatore - 12.
- 5.The Public Prosecutor,
High Court, Madras.

+1cc to Government Pleader SR.No.25206

+1cc to M/s.S.Venkatesh, Advocate Sr.No.23802

GMI (CO)

sm:25.4.2018

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

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