

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.02.2018

CORAM

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

W.P.No.1277 of 2018
and WMP.No.1593 of 2018

M.Anbuchelvan

.. Petitioner

Vs

1. The Superintendent of Police,
Office of the Superintendent of Police,
Coimbatore District, Coimbatore.
2. The Deputy Superintendent of Police,
Pollachi, Coimbatore District.
3. The Sub Inspector of Police,
District Crime Branch,
Coimbatore District, Coimbatore.
4. The Inspector of Police,
All Women Police Station,
Pollachi, Coimbatore District.
5. The Inspector of Police,
Pollachi Police Station,
Pollachi, Coimbatore District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus calling for the entire records relating to the impugned report of the third respondent dated 02.01.2018 forwarded through C.No.54/RPAD/DSP/DCB/CBE/2018 dated 21.12.2017 and quash the same and consequently direct the competent respondents herein to register appropriate FIR based on the petitioner's complaint dated 21.12.2017 within a stipulated time and to investigate the same in accordance with law.

For Petitioner : Mr.T.C.S.Raja Chockalilngam

For Respondents: Mrs.R.Krishnapriya
Addl.Government Pleader

O R D E R

The prayer in the writ petition is for issuance of Writ of Certiorarified Mandamus calling for the entire records relating to the impugned report of the third respondent dated 02.01.2018 forwarded through C.No.54/RPAD/DSP/DCB/CBE/2018 dated 21.12.2017 and quash the same and consequently direct the competent respondents herein to register appropriate FIR based on the petitioner's complaint dated 21.12.2017 within a stipulated time and to investigate the same in accordance with law.

2. The petitioner's earlier complaint before the third respondent came to be closed on 02.01.2018 directing him to approach the jurisdictional police station. However it is seen that the petitioner's complaint is made by implicating the Sub Inspector of Police, All Women Police Station, Pollachi and therefore directing the petitioner to approach another Inspector of Police will not be proper. In this connection the petitioner has also given a complaint to the Deputy Superintendent of Police, Pollachi on 21.12.2017 who is the second respondent herein. In my view since the petitioner has made some allegations against the Sub Inspector of Police it would be appropriate that the complaint shall be investigated by a higher official namely the second respondent. Accordingly, the second respondent is ordered to deal with the petitioner's complaint in the following manner :-

a. If the information received by the second 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 second 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.

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 closure 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 second respondent's police station.

8. In the result, the writ petition is allowed with the above directions. No costs. Consequently connected miscellaneous petition is also closed.

s/d-
Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

To

1. The Superintendent of Police,
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Coimbatore District, Coimbatore.
2. The Deputy Superintendent of Police,
Pollachi, Coimbatore District.
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Pollachi, Coimbatore District.
5. The Inspector of Police,
Pollachi Police Station,
Pollachi, Coimbatore District.

+4 Ccs to Mr.T.C.S. Raja Chockalingam, Advocate sr 8363.
+1 CC to Govt. Pleader sr 9707.

SP(09/02/2018)

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