



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.05.2018

CORAM

THE HON'BLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No. 11216 of 2018
and W.M.P. (MD) No. 10251 of 2018

T.Narayanan

... Petitioner

Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Thoothukudi District.
2. The Deputy Superintendent of Police,
Kayathar Division, Thoothukudi District.
3. The Inspector of Police,
Kayathar Police Station,
Thoothukudi District.
4. The District Collector,
Office of the District Collector,
District Collectorate, Thoothukudi.
5. Jagathrakshaga Perumal Renewable
Energy Private Limited,
Rep. by its Director Chander Prakash,
S7, Krishna Arcade,
Old No.36, New No.10,
Rajabathar Street,
T.Nagar, Chennai - 17.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 to 4 herein to take immediate action against the fifth respondent by registering a criminal case and to forbear the fifth respondent from putting up the wind mill situated at Therkumayilodai Village, Kayathar Taluk, Thoothukudi District.

For Petitioner : Mr.M.Nallamuthu

For RR 1 to 4 : Mr.M.Murugan,
Government Advocate.

O R D E R

This petition is filed seeking a direction to the respondents 1 to 4 herein to take immediate action against the fifth respondent by registering a criminal case and to forbear the fifth respondent from putting up the wind mill situated at Therkumayilodai Village, Kayathar Taluk, Thoothukudi District.

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

3. The grievance of the petitioner is that inspite of a complaint given by him on 08.05.2018 to the respondent Police, 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. In the result, the petitioner is directed to give a copy of the complaint dated 08.05.2018 to the third respondent. On receipt of the said copy of the complaint, the third respondent shall adhere to the following directions:-

1) If the information received by the third 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 third 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 closure 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 third respondent's police station.

6) It is made clear that this Court has not given any positive direction to register the complaint but the



concerned Investigating Officer shall adhere to the aforesaid procedures while dealing with the petitioner's complaint.

5. In the result, the Writ Petition is allowed with the above directions. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Vacation Officer (Crl side)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Thoothukudi District.
2. The Deputy Superintendent of Police,
Kayathar Division,
Thoothukudi District.
3. The Inspector of Police,
Kayathar Police Station,
Thoothukudi District.
4. The District Collector,
Office of the District Collector,
District Collectorate, Thoothukudi.

+ 1 cc TO Mr. Niranjan S. Kumar, Advocate in SR No. 65454
+ 1 cc TO The Special Government Pleader in SR No. 65916

ps/pnn

AE/KKR/SAR1/30.05.2018/3P/6C

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