

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2020

CORAM:

THE HON'BLE MR.JUSTICE R.PONGIAPPAN

Crl.O.P.No.19561 of 2020

Surya

...Petitioner

-Vs-

1. The Superintendent of Police,
Perambalur District.

2. The State by
The Inspector of Police,
Kunnam Police Station,
Perambalur District.

...Respondents

Prayer:

Criminal Original Petition filed under section 482 of Criminal Procedure Code, to direct the 2nd respondent herein to register the complaint dated 24.11.2020 pending on the file of the 2nd respondent herein.

For Petitioner : Mr.B.Ramar

For Respondents: Mrs.M.Prabhavathi
Additional Public Prosecutor

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O R D E R

This Criminal Original Petition has been filed seeking for a direction to direct the second respondent to register the complaint dated 24.11.2020 pending on the file of the second respondent police.

2. Heard Mr.B.Ramar, learned Counsel appearing for the petitioner and Mrs.M.Prabhavathi, learned Additional Public Prosecutor appearing on behalf of the respondents.

3.Today, when the petition is came up for hearing, the learned counsel appearing for the petitioner would submit that during the relevant point of time, the proposed accused after making false promise, for arranging the better job, received a sum of Rs.1,87,000/- (Rupees One Lakh and Eighty Seven Thousand) from the petitioner. Subsequent to that, as per assurance made by him, he has not arranged any job to the petitioner and

therefore without any alternative, the petitioner has approached the second respondent police and presented the complaint dated 24.11.2020, praying to take action against the proposed accused. However, the respondent police did not take any action against the proposed accused and therefore the petitioner is before this Court.

4. Per contra, the learned Additional Public Prosecutor appearing for the respondent police 1 and 2 on instructions would submit that upon the receipt of the complaint given by the petitioner, the second respondent police initiated an enquiry in CSR No.724/2020 and the same is pending.

5. Now considering the rival submissions made by either sides, it is apparent that the averments found in the complaint dated 24.11.2020 alleged to be given by the petitioner disclosed the cognizable offence and therefore it is the duty vested upon the respondent police to register the case immediately by following the guidelines stipulated for preliminary enquiry or registration of FIR by the Hon'ble Supreme Court in "Lalita Kumari -vs- Government of Uttar Pradesh and others [2014 (2) SCC (1)]". But, here it is a pitiable case after receiving the complaint from the petitioner, the second respondent without taking any action conducted an enquiry which is purely an atrocity against the public.

6. Therefore considering the facts and circumstances of the case, it is necessary to issue some directions to the first respondent to take proper action against the second respondent who is the officer not following the judgment rendered by our Hon'ble Apex Court as cited supra and the first respondent is directed to initiate necessary action against the second respondent for non-registering the case. Further the first respondent is directed to look into the matter very seriously and consider the petitioner's complaint dated 24.11.2020 in accordance with law immediately and file the compliance report on 22.12.2020.

7. With the abovesaid directions, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Superintendent of Police,
Perambalur District.

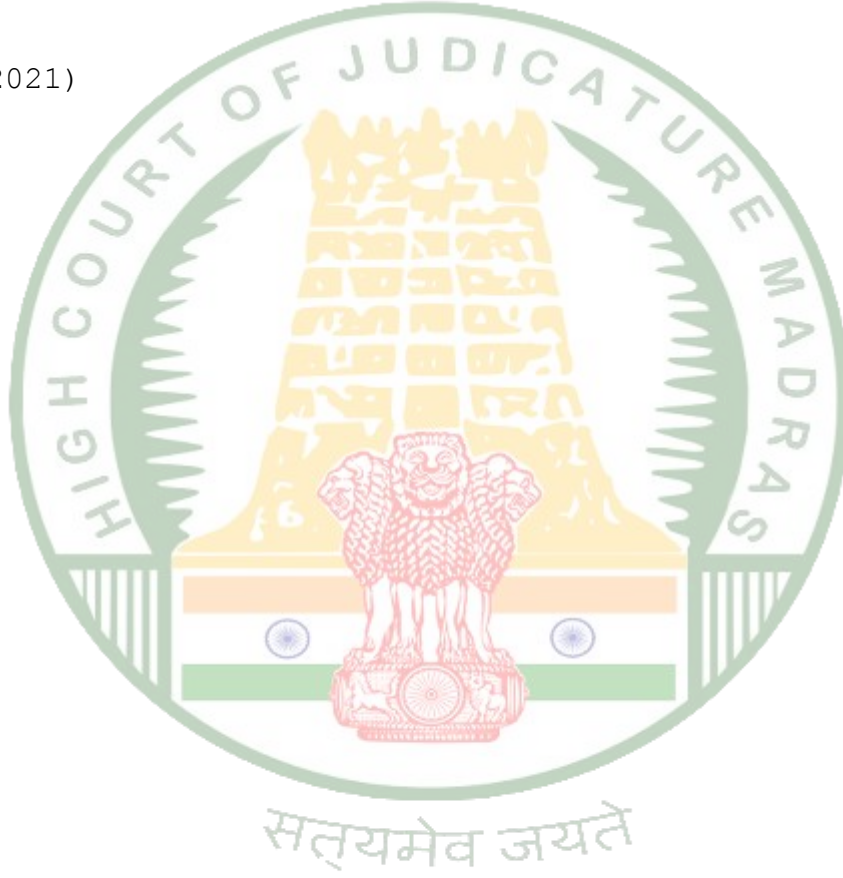
2. The Inspector of Police,
Kunnam Police Station,
Perambalur District.

3. The Public Prosecutor,
High Court, Madras.

+1cc to Ms.K.Karthika, Advocate, S.R.No.40317

CrI.O.P.No.19561 of 2020

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