



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : **24.07.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **R.PONGIAPPAN**

W.P.(MD)No.7876 of 2020

WEB COPY

K.M.Anwar Ismail

... Petitioner

Vs.

1.The Commissioner of Police,
Tiruchirappalli City Police,
Tiruchirappalli.

2.The Inspector of Police,
K.K. Nagar Police Station,
Tiruchirappalli.

3.The Inspector of Police,
Airport Police Station,
Tiruchirappalli.

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to investigate the complaints of the petitioner, dated 07.07.2020 and 11.07.2020 and consequently, to take steps to recover the Maruti Ertiga Car, bearing Registration No.TN-05-BU-3964, within the time to be stipulated by this Court.

For Petitioner : Mr.T.Selvan

For Respondents : Mr.S.Chandrasekar

Additional Public Prosecutor

O R D E R

This Writ Petition has been filed praying for issuance of a Writ of Mandamus, directing the respondents to investigate the complaints of the petitioner, dated 07.07.2020 and 11.07.2020 and to take steps to recover the Maruti Ertiga Car, bearing Registration No.TN-05-BU-3964, within a time to be stipulated by this Court.

2.The case of the petitioner is that he is a Lessee of the Maruti Ertiga Car, bearing Registration No.TN-05-BU-3964. He had taken lease of the said Car from one Sadik Hussain for Rs.3,50,000/-. On 03.07.2020 at 09.00 p.m., the vehicle was plying from Chennai to Ilayankudi, Sivagangai District, along with three passengers. On 04.07.2020 at 03.00 a.m., when the vehicle reached the Tollgate, near Subramaniamapuram, Trichy, the proposed accused intercepted and seized the Car by saying that they were the Police Officers. Later, on due verification, it was found that they were



not the Police Officers. In this regard, the petitioner lodged complaints before the respondents 1 and 2 on 07.07.2020 and 11.07.2020 respectively. However, they have not taken any steps except to provide the C.S.R. Receipt. Therefore, issuance of Writ of Mandamus is necessary directing the respondents to complete the investigation with respect to the complaints given by the petitioner, dated 07.07.2020 and 11.07.2020.

3.Today, when the Writ Petition is taken up for hearing, Mr.S.Chandrasekar, learned Additional Public Prosecutor appearing for the respondents 1 to 3, on instruction, would submit that based on the complaints given by the petitioner, the third respondent police herein started enquiry in C.S.R.No.145 of 2020, dated 11.07.2020 and it is still pending on his file. He would further submit that one Muthukumaran, Advocate, has also claimed that the Car now claimed by the petitioner, is his own Car. However, the learned Additional Public Prosecutor undertakes to complete the enquiry within a short span of time as fixed by this Court.

4.Upon considering the submissions made by the learned Additional Public Prosecutor appearing for the respondents 1 to 3, it is pertinent to mention here that it is the duty of the Police Officer that whenever any information in relation to commission of cognizable or non-cognizable offence is received, the Police Officer shall adhere to the procedure contemplated under Sections 154 and 155 of the Criminal Procedure Code and after conducting necessary enquiry/investigation, file final report under Section 173 of Cr.P.C. Such investigation under Chapter XII of the Criminal Procedure Code shall be completed without any unnecessary delay. The delay in filing a final report in the present case is inordinate and unjustified. Hence, this Court directs the third respondent police to complete the enquiry in C.S.R.No.145 of 2020, pending on the file of the third respondent within a period of two weeks from the date of receipt of a copy of this order. At the time of conclusion of the enquiry, if any cognizable offence is made out, the third respondent Police shall register a case after adhering the guidelines stipulated in the case of **Lalita Kumari Vs. Government of Uttar Pradesh and others [2014 (2) SCC (1)]**.

5.This Writ Petition is disposed of with the above direction. No costs.

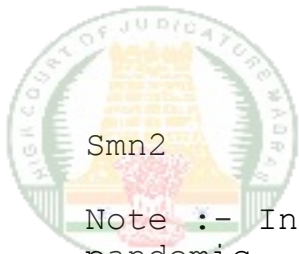
Sd/-

Assistant Registrar (AS)

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Sub Assistant Registrar(CS)



Smn2

Note :- In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Commissioner of Police,
Tiruchirappalli City Police,
Tiruchirappalli.
- 2.The Inspector of Police,
K.K. Nagar Police Station,
Tiruchirappalli.
- 3.The Inspector of Police,
Airport Police Station,
Tiruchirappalli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

W.P. (MD)No.7876 of 2020
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VB (06.08.2020) 3P 5C