



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.08.2020**

CORAM:

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

W.P. (MD)No.8544 of 2020

V.Arumugam

... Petitioner

Vs.

1. The Superintendent of Police,
Tirunelveli District.

2. The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli City.

... Respondents

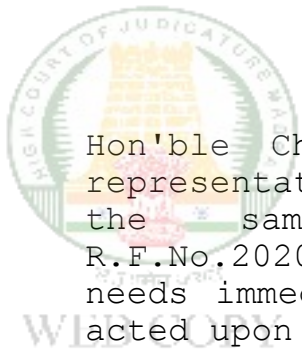
PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents to consider and dispose of the petitioner's complaint dated 19.06.2020 strictly in adherence to the provisions contemplated in Chapter XII of Cr.P.C., as expeditiously as possible within the time stipulation as prescribed by this Court.

For Petitioner : Mr.R.Anand
For Respondents : Mr.S.Chandrasekar
Additional Public Prosecutor

O R D E R

This writ petition has been filed seeking a direction to direct the respondents to consider and dispose of the complaint dated 19.06.2020 strictly in adherence to the provisions contemplated in Chapter XII of Cr.P.C.

2.The case of the petitioner is that the petitioner is a senior citizen and he is living with his aged wife and two sons, in which his elder son was employed at Australia as a Scientist and the second son is employed at Hosur. The second son of the petitioner is having the habit to compel the petitioner to pay a sum of Rs.10,000/- for every month and on 27.01.2020, the wife of the second son, without the knowledge of petitioner had taken jewels which were kept in the Bank locker at Andhra Bank. When it was questioned by the petitioner, the younger son, his wife and his parents-in-law threatened the petitioner with dire consequences. In the said circumstances, the petitioner preferred a representation to the Hon'ble Prime Minister of India as well as the



Hon'ble Chief Minister of Tamilnadu on 16.03.2020. The said representation had reached the office of the District Collector and the same was treated as Monday petition vide R.F.No.2020/9005/29/649887/0316. Though the petitioner's complaint needs immediate attention, till today, none of the respondents had acted upon the same and hence, the petitioner is before this Court.

3. Heard the learned counsel on either side and perused the materials available on records.

4. In general, for an enquiry into a non cognizable offence or a cognizable offence is the unfettered powers of the Investigation Officers so long as the power to investigate/enquire into these offences are legitimately exercised within the frame work of Chapter XII of the Code of Criminal Procedure. Though the Code of Criminal Procedure empowers the Magistrate to be a guardian in all the stages of the police investigation, there is no power envisaging him to interfere with the actual investigation or the mode of investigation.

5. Though the Division Bench of this Court issued some directions in respect to the registration of FIR, in a judgment reported in **2018 (5) CTC 623**, the petitioner herein is being a senior citizen as a special case, this Court directs the respondents to consider and dispose of the petitioner's complaint dated 19.06.2020 strictly in adherence to the provisions contemplated in Chapter XII of Cr.P.C., as expeditiously as possible, after following a case of **Lalithakumari Vs. Government of Uttarpradesh and others**, preferably, within a period of two weeks from the date of receipt of a copy of this order. accordingly, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gns

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 Superintendent of Police,
Tirunelveli District.

2. The Inspector of Police,
Perumalpuram Police Station,
Tirunelveli City.

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CS (02.09.2020) 3P 3C