



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.14249 of 2021

D.Suyaraj ... Petitioner/ Complainant

Versus

1.State rep.by:

The Inspector of Police,
City Crime Branch Police Station,
Coimbatore.

2.The Superintendent of Police,
Coimbatore District,
Coimbatore.

3.The Commissioner of Police,
Coimbatore City Police,
Coimbatore.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the 1st respondent to register the FIR or any other order.

For Petitioner : Mr.Suaib Meeran

For Respondents : Mr.A.Damodaran
Government Advocate (Crl.Side)

ORDER

This Petition has been filed to direct the 1st respondent to register an FIR or any other order.

2. The petitioner had lodged a complaint before the Judicial Magistrate No.VII, Coimbatore, which was taken on file in CMP.No. 239 of 2020 and the Magistrate passed an order dated 16.02.2021, directing the Inspector of Police, City Crime Branch, to conduct enquiry and thereafter to file an FIR or report. Despite the same, no action has been taken. Hence, the above petition is filed.



3. He further submits that earlier the petitioner had lodged a complaint with the City Crime Branch, Coimbatore on 20.12.2019. They refused to receive the same, despite cognizable offense is made out. It was informed to the petitioner that no complaint is to be sent directly to the City Crime Branch, Coimbatore and it is to be routed only through the Commissioner of Police. It is also stated that the City Crime Branch is a specialized Unit and no walk in complaints can be received by them. Thereafter, the petitioner sent a complaint to the third respondent on 24.12.2019 by post. On 08.02.2020 a reminder was sent and followed it by a petition on 22.02.2020, but no action was taken. Thereafter, as the petitioner had no other option, filed a Private complaint seeking registration of an FIR under Section 156(3) of Cr.P.C before the learned Judicial Magistrate No.VII, Coimbatore, and the Magistrate passed a positive order on 16.02.2021, even thereafter no action has been taken by the first respondent police.

4. The contention of the petitioner is that the City Crime Branch Police is a Specialized Unit to investigate white-collar commercial offense. No complaint is entertained by them directly and all the complaints, irrespective of whether it is received under Section 156(3) Cr.P.C., or from the complainant, it ought to pass various stages, right from the Sub-Inspector of Police, the Inspector of Police, the Assistant Commissioner of Police and the Deputy Commissioner of Police and thereafter, to the Commissioner. After getting approval from the Commissioner, again it goes back with same procedure and lastly reaches the concerned Investigating Officer. By that time, the vital clues would disappear, which would affect the case of the petitioner.

5. The learned Government Advocate (Crl.Side) has submitted that in this case the Magistrate had given a direction on 16.02.2021, which was received in D.No.189/2021 dated 15.03.2021. Thereafter, the respondent police had conducted enquiry and closed the case by a report dated 28.07.2021 and a copy of the same has been filed before the Judicial Magistrate No.VII, Coimbatore.

6. This Court finds that no enquiry, without registration of the FIR, is permitted under Section 156(3) Cr.P.C. Once the petition has been forwarded under Section 156 (3) of Cr.P.C., the Investigation Officer has to register an FIR and conduct investigation. On investigation, if no case is made out, he can close the FIR by filing a closure report. But in this case, without registering the FIR, the complaint was closed.

7. In view of the same, the Inspector of Police/the first respondent is directed to register an FIR and after



conducting investigation, in the event of negative report notice to be served to the petitioner, if the petitioner feels aggrieved, he can file a protest petition. Further this Court on several occasions finds the attitude of the Specialized Unit of the City Crime Unit attached to various Commissionorates, wherein almost the same procedure is being followed. It is also seen that in certain cases, the City Crime Branch Police register an FIR on the same day of the complaint, the accused are arrested on the same day. However, in certain cases registering FIR is with considerable delay, this Court is unable to find any reason or rationate. This ordeal is same in the Districts headed by Superintendent of Police, where District Crime Branch, handles, white collar offences.

8. It is seen in most cases the complainants are made to run from the pillar to post even to get FIR registered. The Commissioners of Police as well as the Superintendents of Police should strictly follow Cr.P.C., and the guidelines issued by the Hon'ble Supreme Court in the case of Lalitha Kumari vs. Govt. of UP AIR 2012 SC 1515 and further to put a transparent procedure in place, giving no room for arbitrariness

9. With the above directions, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

dna

To

- 1.The Judicial Magistrate No.VII,
Coimbatore.
- 2.do through The Chief Judicial Magistrate,
Coimbatore.
- 3.The Director General of Police
Dr.Radhakrishnan Salai Road,
Mylapore, Chennai.
Tamil Nadu 600 004.
- 4.The Inspector of Police,
City Crime Branch Police Station,
Coimbatore.



5.The Superintendent of Police,
Coimbatore District,
Coimbatore.

6.The Commissioner of Police,
Coimbatore City Police,
Coimbatore.

7.The Public Prosecutor
High Court of Madras.

+lcc to M/s.S.V.Pravin Rathinam, Advocate Sr No.43895

CRL.O.P.No.14249 of 2021

JPII (CO)
PR (06/09/2021)