



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.1.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI,
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.NO.1148 OF 2022

S.Anbalagan

.. Petitioner

Vs.

1. The State of Tamil Nadu
Secretary to Government
Home Department
Fort St. George
Chennai 600 009.
2. The Director General of Police
No.1, Dr.Radhakrishnan Salai
Mylapore, Chennai 600 004.
3. The Additional Director General of Police
(Economic Offence Wing)
SIDCO, Old Corporate Building, First Floor
Thiru.Vi.Ka. Industrial Estate
Guindy, Chennai 600 032.
4. The Deputy Superintendent of Police, EOW II
Kaja Malai, Multi Purpose Building, 1st Floor
Trichy, Trichy District 621 020.

5. A.Durairaj

.. Respondents

Prayer:

Petition filed under Article 226 of The Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to appoint CB CID to enquire on the complaint of the petitioner dated 03.9.2021.



WEB COPY

For Petitioner : Mr.S.T.Varadarajulu

For Respondents : Mr.C. Harsha Raj
Additional Govt. Pleader
Assisted by
Mr.S.J.Mohammed Sadik
Government Advocate
for R1

Mr.R.Shunmugasundaram
Advocate General
Assisted by
Mr.A.Damodaran
Additional Public
Prosecutor
for R2 to R4

ORDER

(Order of the Court was made by
the Hon'ble Acting Chief Justice)

We have heard the learned counsel for the parties.

2. The writ petition has been filed seeking a direction to the first respondent to appoint CB-CID to enquire into the complaint of the petitioner dated 03.9.2021.

3. Learned counsel appearing for the petitioner submits that despite a complaint being given against the fifth respondent attracting the attention of the the first respondent, yet, no action has been taken by the official respondents. Though an enquiry has to be conducted, nothing was forthcoming. Therefore, he has come up with this writ petition.

4. We have carefully considered the submissions of the learned counsel for the petitioner and perused the records.

5. According to the learned counsel for the petitioner, despite huge corruption, with reference to which, a representation has been given to the first respondent, enquiry has not been conducted by the police officials.



6. The learned counsel appearing for the petitioner has failed to refer to any document to show the complaint given to the police station concerned where it could have been taken cognizance of for lodging of a first information report as per the provisions of the Criminal Procedure Code and investigation can be conducted only when the first information report is lodged. That apart, it is seen that the petitioner did not file a first information report as it can be filed by anyone knowing about the crime and not necessarily by the person affected. Yet, the petitioner has not made any efforts to lodge the first information report. If the first information report is not registered, the petitioner can file a complaint before the Magistrate concerned under Section 190 of the Criminal Procedure Code. The investigation pertaining to the alleged crime can be conducted only after lodging the first information report and not in a manner stated by the petitioner. The prayer made by the petitioner cannot be granted.

7. In view of the above, the writ petition is dismissed. However, dismissal of this writ petition would not come in his way and he is at liberty to take legal recourse of the grievance raised by him. There will be no order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

RS

To:

1. The State of Tamil Nadu
Secretary to Government
Home Department
Fort St. George
Chennai 600 009.
2. The Director General of Police
No.1, Dr.Radhakrishnan Salai
Mylapore, Chennai 600 004.



WEB COPY

3. The Addl. Director General of Police
(Economic Offence Wing)
SIDCO, Old Corporate Building, First Floor
Thiru.Vi.Ka. Industrial Estate
Guindy, Chennai 600 032.

4. The Deputy Superintendent of Police, EOW II
Kaja Malai, Multi Purpose Building, 1st Floor
Trichy, Trichy District 621 020.

+1cc to Mr.S.T.Varadarajulu, Advocate, S.R.No.5826
+1cc to the Government Pleader, S.R.No.5713

W.P.No.1148 of 2022

NK (CO)
PM/07/02/2022