



W.P.No.3654 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.3654 of 2023

Anthik Charles

... Petitioner

Vs

The Commissioner of Police,
The Greater Chennai Police Commissionerate,
Vepery, Chennai – 600 007.

... Respondent

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Mandamus, directing the respondent to initiate enquiry against the disgruntle erred police Officer, who is the Inspector of Police, W-13, All women Police Station, Tondiarpet, Chennai – 600 021 for her dereliction of duties and responsibilities, within a time to be stipulated by this Hon'ble Court.

For Petitioner : Mr.V.Ramanareddy

For Respondents : Mr.S.Santhosh

Government Advocate (Crl.Side)

ORDER

The Writ Petition has been filed to direct the respondent to initiate enquiry against the Inspector of Police, W-13, All women Police Station,



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Tondiarpet, Chennai – 600 021 for her dereliction of duties and responsibilities.

2. Learned counsel for the petitioner submitted that the petitioner filed a private complaint under Section 156(3) of Cr.P.C. in CrI.M.P.No.45 of 2021 on the file of the learned XV Metropolitan Magistrate, George Town, Chennai for registering a case. The learned Judicial Magistrate passed an Order on 09.04.2021 directing the respondent to register the case if any *prima facie* case of commission of cognizable offence is made out, investigate the case in accordance with law. As per his Order, the respondent has not registered any First Information Report. The petitioner filed CrI.O.P.No.23786 of 2021 for complying Order of the learned Judicial Magistrate in CrI.M.P.No.45 of 2021. This Court, on 08.06.2022 gave a direction to the 2nd respondent in CrI.O.P.No.23786 of 2021 to register the First Information Report as directed by the learned XV Metropolitan Magistrate, George Town, Chennai in CrI.M.P.No.45 of 2021. Even thereafter, no First Information Report was registered and therefore, the petitioner filed a contempt petition in Cont.P.No.2863 of 2022. When the contempt petition was taken up, it was represented by the learned Government Advocate (CrI.side) that First Information Report was



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registered in Crime No.16 of 2022 on 01.09.2022 for the offence under

Sections 294(b), 506(i) of IPC and Section 67 of Information Technology Act and Section 4 of Tamilnadu Prohibition of Harassment of Women Act.

3. Now, the grievance of the learned counsel for the petitioner is that the First Information Report was not registered under appropriate provisions of law. The FIR allegations make out a clear case for registration of First Information Report for the offences under Section Protection of Children from Sexual Offences Act, 2012. However, these offences are omitted in the First Information Report. Therefore this petition.

4. In response, learned Government Advocate (Crl.side) submitted that after registration of First Information Report in Crime No.16 of 2022, respondent tried to reach out to the petitioner by sending summons. No one is available in the given address. The petitioner is not co-operating with the investigation.

5. In light of the rival submissions, this Court finds that contempt petition was closed on recording the registration of the First Information Report. This Court did not have deem it necessary to initiate action against the respondent police Viz., previous Inspector of Police in Cont.P.No.2863 of 2022.



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6. In the said circumstances, this Court is of the view that if the First Information Report is not registered under appropriate provisions of law, especially under POCSO Act, it is always open to the petitioner to file a private complaint and proceed with the private complaint in the manner known to law.

7. With the above directions, this Writ Petition is disposed of. No costs.

09.02.2023

Index :Yes/No
Internet:Yes/No
mpl

To

- 1.The Commissioner of Police,
The Greater Chennai Police Commissionerate,
Vepery, Chennai – 600 007.
- 2.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.

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