

W.P(MD)No.14897 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 03.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.14897 of 2025

T.Sekaran

... Petitioner

Vs

1.The Superintendent of Police,
Dindigul District.
Dindigul.

2.The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the first respondent to take action based on the petitioner's complaint, dated 26.08.2024 against the offenders in fixed schedule of time.

For Petitioner : Mr.B.Mohamad Kalibullah
For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

The petitioner has lodged a complaint through registered



W.P(MD)No.14897 of 2025

post to the Superintendent of Police, Dindigul on 08.10.2024 that on 25.08.2024 at about 11 am, one Ramar @ Ramasamy, Kannaiah, Rajangam and Srinivasan have attempted to trespass into his land with weapons and criminally intimidated him. The petitioner has filed this writ petition that his complaint has not been attended by the respondent police.

2.Mr.E.Antony Sahaya Prabahar, learned Additional Public Prosecutor, who takes notice for the respondents, on instructions submits that the complaint is said to have been sent to the Superintendent of Police, through registered post, however, they are not having any records as to the same. He further submits that in the event, if any occurrence was taken place as claimed by the petitioner, he can very well lodge a complaint before the Taluk Police Station/the second respondent herein. If any complaint is lodged, it would be considered by the second respondent.

3.This Court considered the rival submissions made and also perused the materials placed on record.

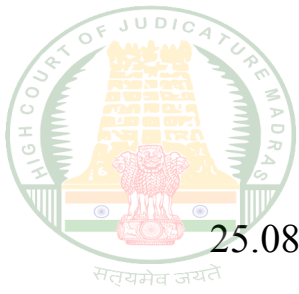


W.P(MD)No.14897 of 2025

WEB COPY

4.In fact, as per the Code of Criminal Procedure [Bharatiya Nagarik Suraksha Sanhita], the process begins with the lodging of information regarding the commission of a cognizable offence before the Station House Officer (SHO) under Section 154(1) CrPC [Section 173(1) BNSS]. The officer is duty-bound to register the information and commence investigation. In case the SHO refuses to record the information, the aggrieved person may submit the same in writing to the Superintendent of Police / Commissioner of Police or other superior officer under Section 154(3) CrPC [Section 173(3) BNSS], requesting necessary action. If no action is taken even at the supervisory level, then the person may approach the jurisdictional Magistrate under Section 156(3) CrPC [Section 175(1) BNSS], seeking a direction to the police to investigate the matter.

5.However, the petitioner has lodged a complaint on 08.10.2024 through registered post to the Superintendent of Police, instead of lodging a complaint to the concerned police station. The complaint is also for the occurrence said to have taken place on



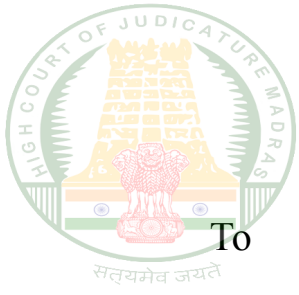
W.P(MD)No.14897 of 2025

25.08.2024. In the complaint, certain allegations have been made as against Ramar @ Ramasamy, Kannaiah, Rajangam and Srinivasan that they have trespassed into his property and criminally intimidated him. Some names have been striked off and later inserted. For the conduct of the the petitioner in lodging the complaint on 08.10.2024, through registered post for the incident said to have taken place on 25.08.2024, this Court is not inclined to issue any direction in this petition.

6. Accordingly, this writ petition is dismissed. It is open to the petitioner to lodge a complaint before the jurisdictional police station and if any cognizable offence is made out, the jurisdictional police shall take appropriate action. No costs.

03.06.2025

Index: Yes
Internet: Yes
vrn



W.P(MD)No.14897 of 2025

To

WEB COPY

- 1.The Superintendent of Police,
Dindigul District.
Dindigul.
- 2.The Inspector of Police,
Dindigul Taluk Police Station,
Dindigul.



WEB COPY



W.P(MD)No.14897 of 2025

B.PUGALENDHI, J.

vrn

Order made in
W.P(MD)No.14897 of 2025

03.06.2025