



W.P.Crl.(MD)No.9 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.Crl.(MD)No.9 of 2025

A.Adaikala Raj

... Petitioner

versus

1. The Commissioner of Police,
Madurai City,
Madurai.

2. The Inspector of Police,
District Crime Branch,
Madurai District,
Madurai.

... Respondents

Writ Petition filed under Article 226 of the constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondent Police to take appropriate action on the representation given by the petitioner dated 28.04.2025 within a time limit as may be stipulated by this Court.

For Petitioner : Mr.K.Jeyamohan

For Respondents : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor



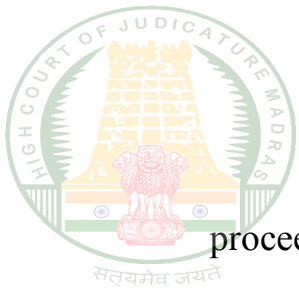
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ORDER

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2. When this writ petition is taken up for hearing, the learned Additional Public Prosecutor submits that the petitioner has lodged a complaint directly before the Commissioner of Police, who in turn forwarded the same for enquiry to the District Crime Branch. According to the learned Additional Public Prosecutor, the District Crime Branch found that they are *prima facie* materials in the complaint and therefore, they have submitted a report to the Commissioner of Police and awaiting permission from the Commissioner of Police to register a case. He assures that a case would be registered by next week.

3. This Court is unable to understand the contention of the respondent Police in seeking permission from the Commissioner of Police to register a criminal case. It is the prerogative of the respondent Police to find out as to whether any cognizable offence is made out. In the event, if there are *prima facie* materials constituting cognizable offence, they can



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proceed by registering a case and they need not depend upon the Commissioner of Police. The Commissioner of Police is having no authority to give a direction to the Inspector of Police either to register a case or not to register a case. This Court is unable to accept the manner in which the complaints are submitted to the Commissioner of Police directly, instead of lodging the complaint before the appropriate authority. The Commissioner of Police, before forwarding the complaint, ought to have ascertained as to whether any cognizable offence is made out or not.

4. Since it is reported that the respondent Police has found that they are *prima facie* materials to register a case, the respondent Police is directed to register a case and proceed with the same in accordance with law.

5. With the above direction, this Writ Petition is disposed of. No costs.

11.06.2025

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NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.

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B.PUGALENDHI, J.

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To

1. The Commissioner of Police,
Madurai City,
Madurai.
2. The Inspector of Police,
District Crime Branch,
Madurai District,
Madurai.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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