



WPCrl(MD)No.387 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2025

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

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Padmavathi

... Petitioner

Vs

**1. The Superintendent of Police,
Kanyakumari,
Kanyakumari District.**

**2.The Inspector of Police,
Vadaseri Police Station,
Nagercoil,
Kanyakumari District.**

3.Iyyappan

4.Anu

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to issue a direction directing the respondents 1 and 2 to conduct enquiry and dispose of the petitioner's complaint dated 23.06.2025.

For Petitioner : Mr.R.Maheswaran

For Respondent : Mr.E.Antony Sahaya Prabhakar

Nos.1 and 2 Additional Public Prosecutor



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ORDER

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The petitioner has lodged a complaint before the 1st respondent / Superintendent of Police, Kanyakumari District and the same was forwarded to the 2nd respondent police for necessary action. By referring to the complaint of this petitioner dated 23.06.2025, the petitioner has filed this petition seeking a writ of mandamus directing the respondents 1 and 2 to conduct enquiry and dispose of his complaint dated 23.06.2025.

2.The gist of the petitioner's complaint is that on the request of the 3rd respondent one Iyappan and the 4th respondent one Anu, the petitioner has received a loan of Rs.6,31,000/- from different Women Self Help Groups and given to them. However, they have returned only a sum of Rs.50,000/- and they have are not paying the remaining amount. This complaint lodged before the Superintendent of Police, Kanyakumari was forwarded to the 2nd respondent police. The 2nd respondent police claim that they have closed the complaint as it is civil in nature.

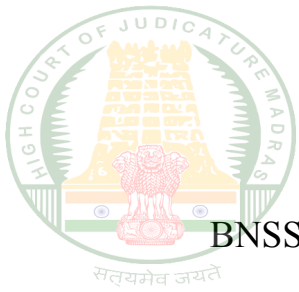


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3. Surprised with the manner in which the complaint of this petitioner has been entertained by 1st respondent the Superintendent of Police, this court expected a report from him. Accordingly the Superintendent of Police has filed a report that this petitioner has lodged a complaint on 08.05.2025 before the Inspector of Police, Vadaseri Police Station and during the enquiry the 3rd respondent has agreed to return the borrowed amount and therefore, by recording the statement, the earlier complaint of this petitioner dated was closed on 22.05.2025. Again another complaint was lodged by the petitioner on 23.06.2025 through online and it was referred in ERP 25325410, dated 23.06.2025 to the Inspector of Police, Vadaseri Police Station. The Inspector of Police, Vadaseri Police Station, perused the complaint and found that it is civil in nature and closed it on 23.06.2025.

4. This court considered the rival submissions made.

5. 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)



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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.

6.However, instead of lodging the complaint before the SHOs, complaints are directly lodged before the higher officials, viz., Superintendent of Police / Commissioner of Police and they are also mechanically forwarding such type of complaints as postmen, without ascertaining as to whether the complaints can be entertained by the police or the issue has to be addressed only before the civil Courts.

7.A question that concerns this Court is whether a subordinate police officer, on receiving a complaint forwarded by a higher official, can close it as being civil in nature. Legally, he is bound to do so if no



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cognizable offence is disclosed. But whether such closure is actually happening in practice is a matter of serious doubt. This Court fears that, owing to hierarchical compulsions and perceived expectations, officers may refrain from closing such complaints even when the law requires them to do so. Hierarchical deference often overshadows legal mandate, leading to informal and unrecorded enquiries that have no place in the statutory scheme.

8. In this case the complaint of this petitioner appears to have been forwarded by the Superintendent of Police, Kanayakumari district in a mechanical manner without even perusing the complaint. A perusal of the complaint itself discloses that it is a money dispute. The Inspector of Police, Vadaseri Police Station, who has dealt with the complaint, has closed it as civil dispute. However, the Superintendent of Police, District Head of the department is not aware of the nature of complaint and has simply forwarded the similar second complaint, when the first complaint was already closed as civil in nature. The Superintendent of police is expected to apply his mind and if the complaint makes out any cognizable offence, only then he should forward the complaint to the police concerned. This is not the first case which this court comes across,



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where the complaint of civil nature has been forwarded by the Superintendent of Police, Kanyakumari, but also has noticed several cases, where complaints of civil nature have been forwarded mechanically by the Superintendent of Police, Kanyakumari.

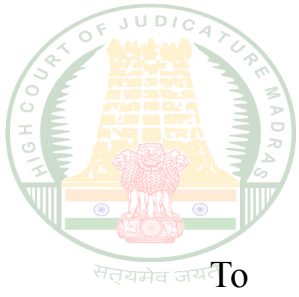
9.This court considering the manner in which the Superintendent of Police, Kanyakumari / Higher Authority has forwarded the complaint mechanically, marks a copy of this order to the Director General of Police, Chennai and the Secretary to Home Department, Chennai for issuing necessary circulars for taking action on the complaints received by the Superintendents of Police / Commissioners of Police, under Section 173(4) BNSS.

10.Since it is reported that the complaint of this petitioner has already been closed, this writ petition is disposed of with the above direction. The petitioner shall work out her remedy in the manner known to law.

09.07.2025

DSK

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To

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1. The Superintendent of Police,
Kanyakumari,
Kanyakumari District.
2. The Inspector of Police,
Vadaseri Police Station,
Nagercoil,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

1. The Secretary,
Home Department,
Chennai.
2. The Director General of Police,
Chennai.



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B.PUGALENDHI, J.

DSK

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