



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-03-2026

CORAM

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THE HON'BLE MR JUSTICE M. NIRMAL KUMAR

WP CrI. No. 686 of 2026

S. Marudhachalam

..Petitioner(s)

Vs

1. The Commissioner of Police
Coimbatore City.

2. The Inspector of Police
District Crime Branch,
Coimbatore City.

3. G. Arun Singh

..Respondent(s)

Writ Petition (Criminal) is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the second respondent police to take action against the third respondent under section 35 of the BNSS, 2023 for non-compliance of the same and complete the enquiry by following the mandate of law.

For Petitioner(s): Mr.N.Umapathi

For Respondent(s): Mr.Leonard Arul Joseph Selvam,
Additional Public Prosecutor for R1 & R2

ORDER

This Writ Petition has been filed seeking a direction to the second respondent police to take action against the third respondent under section 35 of the BNSS, 2023, for non-compliance and to complete the enquiry in accordance with law.



2. The case of the petitioner is that he had lodged a complaint before the first respondent on 27.05.2025 against the third respondent, to whom the petitioner had supplied viscose fibre and cotton threads. It is stated that after receipt of a sum of Rs.3,91,32,588/-, the third respondent has misappropriated the same and thereafter failed to repay the amount. Despite lodging the complaint, no action has been taken. It is further submitted that upon coming to know of the petitioner's complaint, the third respondent approached this Court seeking anticipatory bail in CrI.O.P.No.27343 of 2025. Since only an enquiry was pending, the third respondent was directed to be issued notice and to cooperate with the enquiry. However, no effective action has been taken and no First Information Report has been registered so far.

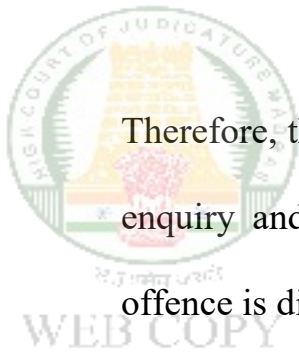
3. The learned Additional Public Prosecutor appearing for the respondents 1 and 2 submitted that based on the petitioner's representation and subsequent representation made to the Deputy Commissioner of Police, Coimbatore and the Assistant Commissioner of Police, CCB-I, Coimbatore, an enquiry has been initiated and notice was issued to the third respondent for appearance on 05.06.2025. However, the third respondent has not appeared. It is further submitted that the second respondent police visited the residence of the third respondent and found that he was not available and only his father and brother were present. Notice was affixed at the residence. Due to the non appearance of the third respondent, the enquiry is still pending.



4. This Court has carefully considered the submissions made on either side and perused the materials available on record.

5. It is evident that the grievance of the petitioner arises out of an alleged financial transaction between the petitioner and the third respondent, wherein the petitioner claims misappropriation of a substantial amount. Though the complaint has been lodged, it is seen that the matter is presently at the stage of enquiry and no final decision has yet been taken by the respondent police. From the submissions of the learned Additional Public Prosecutor, it is clear that the respondent police have already initiated enquiry, issued notice to the third respondent and taken steps to secure his presence. However, due to the non-co operation of the third respondent, the enquiry could not be completed.

6. This Court is of the considered view that at this stage, when the enquiry is in progress, it would not be appropriate to issue a direction for registration of an First Information Report as a matter of course, unless a cognizable offence is prima facie made out upon completion of enquiry. At the same time, the inaction or delay on the part of the respondent police cannot be encouraged. The police are duty-bound to conduct a fair and expeditious enquiry and to take appropriate action in accordance with law.



Therefore, this Court deems it appropriate to direct the respondent police to expedite the enquiry and proceed further based on the materials collected and if any cognizable offence is disclosed, to register an First Information Report without undue delay.

7. In view of the above, this Criminal Original Petition is dismissed. However, the second respondent is directed to complete the enquiry as expeditiously as possible, in accordance with law.

30-03-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

VKR

To

- 1.The Commissioner of Police
Coimbatore City.
- 2.The Inspector of Police
District Crime Branch,
Coimbatore City.
- 3.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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