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**IN THE HIGH COURT OF MADHYA PRADESH
AT INDORE**

**BEFORE
HON'BLE SHRI JUSTICE PRANAY VERMA**

ON THE 16th OF APRIL, 2024

WRIT PETITION No. 12199 of 2023

BETWEEN:-

DR. AMINUL KHAN SURI

.....PETITIONER

(BY SHRI JAYESH GURNANI - ADVOCATE)

AND

1. THE STATE OF MADHYA PRADESH THROUGH PRINCIPAL SECRETARY HOME DEPARTMENT, GOVT. OF M.P. VALLABH BHAWAN, BHOPAL (MADHYA PRADESH)
2. DEPUTY COMMISSIONER OF POLICE ZONE NO. 2, DIST. INDORE (MADHYA PRADESH)
3. STATION HOUSE OFFICER POLICE STATION TILAK NAGAR, DISTT. INDORE (MADHYA PRADESH)

.....RESPONDENTS

(BY SHRI BHUWAN DESHMUKH - GOVT. ADVOCATE)

.....
This petition coming on for admission this day, the court passed the following:

ORDER

1. Heard.
2. By this petition under Article 226 of the Constitution of India, the petitioner has prayed for the following relief (s):-

"1. That, respondent no.3 may kindly be directed to act upon

complaint dated 16/4/2022 in accordance with law in a time bound manner.

2. That, the cost of this petition may kindly be awarded to the petitioner and any other relief as this Hon'ble Court deem fit in the light of equity, justice and good conscience may also be granted in favour of the petitioner."

3. The relief as claimed for by the petitioner has already been considered in a similar matter by this Court in **Rajendra Singh Pawar & Ors. V/s. State of M.P. & Ors., 2021(2) M.P.L.J 100** and it has been held in paragraph No.11 as under :-

"(i) Whenever a complaint is filed at police station, concerned Police Officer shall examine the complaint and if required preliminary inquiry be done to ascertain whether information reveals any cognizable offence.

(i i) Investigating Officer shall either register First Information Report if complaint/information discloses cognizable offence or proceed under Section 155 of the Code of Criminal Procedure, if no cognizable offence is disclosed or if no offence is made out then complainant shall be informed that his complaint has been filed. Police Officer shall process all complaints received within a period of 15 days. If due to some reasons, it is not possible for concerned Police Officer to process the complaint and take action on it within said time, he shall take aforesaid action within maximum period of 42 days after receiving of complaint.

(iii) Every complaint which is received by Investigating Officer shall be entered into General Diary, as per M.P. Police

Regulation 634 maintained at the Police Station and a number on which said complaint is entered in General Diary shall be given to the complainant. Superintendent of Police shall keep a check that such complaints are decided within the stipulated time mentioned above as per the directions of Apex Court. If complaints remain pending for more than 42 days then Superintendent of Police shall initiate Departmental Enquiry against delinquent Police Officer.

(iv) It is observed that in offences of cheating and fraud, Investigating Officer/Station House Officer is taking a long time to register an offence under Indian Penal Code or to dispose off complaint in accordance with law. Principal Secretary, Home/Director General of Police shall issue directions to Superintendent of Police to sensitize all Police Officers on filed when offence of cheating is made out and when only a civil wrong is made out so that concerned Police Officer can process the complaints/applications made in case of economic offence of cheating and fraud expeditiously."

4. In view of the aforesaid, this writ petition filed by the petitioner stands disposed off without expressing any opinion on merits, with a direction to Station House Officer, Police Station Tilak Nagar, District Indore to consider the complaint filed by the petitioner and take appropriate action as mentioned above within a period of 90 (**ninety**) days from the date of receipt of certified copy of this order. Result of scrutiny of complaint and action taken shall be conveyed to the petitioner.

5. The petitioner is directed to furnish within a period of 7 days from today proof before the Station House Officer Police Station Tilak Nagar,

District Indore as regards the filing of the complaint by him on 16/4/2022.

C.c. as per rules.

(PRANAY VERMA)
JUDGE

SS/-

