

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

WP.No.29187 of 2015

C.Damodharan

... Petitioner

Vs

1.The Superintendent of Police,
District Police Office, Sathuvatcheri,
Vellore Town & District.

2.The Inspector of Police,
Vaniyambadi Town Police Station,
Vellore District.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the 1st respondent to consider the petitioners representation dated 06.08.2015 within a stipulated period and direct the 1st respondent to take necessary action.

For Petitioner : Mr.N.Subramani

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor

O R D E R

The petitioner has filed this Writ Petition praying for a writ of mandamus to direct the 1st respondent to consider the petitioner's representation dated 06.08.2015 within a stipulated period and direct the 1st respondent to take necessary action.

2. Heard the learned counsel for the petitioner; learned Additional Public Prosecutor for the respondents and perused the materials placed on record.

3. It is seen that Vaniyambadi Town Police Station has registered a case in Crime No.223 of 2015 on 30.06.2015 against this petitioner for offences under Section 147, 448,

427, 294[b] and 506[ii] IPC. Aggrieved by that, the petitioner seems to have given a representation dated 06.08.2015 to the Superintendent of Police, to cancel the FIR. Thereafter, the petitioner has come by way of this Writ Petition for a direction to the Superintendent of Police to dispose of his representation dated 06.08.2015.

4. In the considered opinion of this Court, such a direction cannot be issued as prayed for by the petitioner because, once an FIR is registered under Section 154 Cr.P.C, investigation has to be proceeded as adumbrated under Chapter XII of Cr.P.C, should either culminate in a charge sheet or closure report. In this case, learned counsel for the petitioner himself submitted that, the police have closed the case in crime No.223 of 2015 and have also issued RCS notice to the de facto complainant. It is open to the de facto complainant to file a protest application before the concerned Magistrate.

Recording the above, this petition is dismissed as not maintainable.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Superintendent of Police,
District Police Office, Sathuvatcheri,
Vellore Town & District.

2.The Inspector of Police,
Vaniyambadi Town Police Station,
Vellore District.

+1cc to Mr.N.Subramani, Advocate, S.R.No.57871

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CTK(CO)
CA(04/11/2015)