



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH

Writ Petition (MD)No.10177 of 2015
and
M.P. (MD) .No.1 of 2015

Raja Kirubai Jebakani

... Petitioner

Vs.

1. The Superintendent of Police,
O/o. The Superintendent of Police,
Tirunelveli District.

2. The Inspector of Police,
Eruvadi Police Station,
Eruvadi,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, to direct the respondents to conduct investigation based on the representation dated 22.04.2015 and include the real accused in S.C.No.106 of 2010 on the file of Assistant Sessions Court, Vallioor.

For Petitioner : Mr.S.Siva Thilakar

For Respondents : Mr.R.Karthikeyan

Additional Government Pleader

O R D E R

The petitioner is the defacto complainant. The case has been taken for trial in S.C.No.106 of 2010 in pursuant to the registration of case in Crime No.117 of 2009 based on the petitioner's complaint dated 08.08.2009.

2. The petitioner gave representation on 22.04.2015 to the Superintendent of Police, stating that the actual complaint given by her has not been taken. She came to know about that only on 16.04.2015, though the complaint was given in the year 2009. After the said complaint which was given in the year 2009, the petitioner has come up with this present petition before this court.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondents and perused the records.

4. The learned counsel for the petitioner submitted that as the complaint of the petitioner has not been looked into, a proper direction will have been issued.



5. However, this court is not inclined to allow this petition. A representation only made on 22.04.2015 for the occurrence said to have been occurred in the year 2009, that too after the case is taken before the jurisdictional court in S.C.No.106 of 2010, on the file of the learned Assistant Sessions Judge, Vallioor. Even assuming the allegation made by the petitioner is true, she can very well approach the trial court seeking appropriate remedy and not by filing this petition.

6. Hence, the petition is not maintainable. If the petitioner has made any grievances, it is very well open to file an application before trial court seeking appropriate relief under the Criminal Procedure Code.

7. Accordingly, this petition stands dismissed with a liberty to the petitioner to work out her remedy in the manner known to law. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (AS)

/True Copy/

Sub-Assistant Registrar

To

1. The Superintendent of Police,
O/o. The Superintendent of Police,
Tirunelveli District.

2. The Inspector of Police,
Eruvadi Police Station,
Eruvadi,
Tirunelveli District.

+One cc o Mr.S.Siva Thilakar, Advocate, SR.No.33648
+One cc to The Special Government Pleader, SR.No.33265
PJJ

RL/5c - 7/7/2015

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