

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 02.08.2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.13915 of 2014
and
M.P.No.1 of 2014

K.Nathiya

.. Petitioner

Vs.

1.The Director General of Police,
Dr.Radhakrishnan Salai,
Chennai.

2.The Superintendent of Police,
Villupuram District.

3.Varadharajan

4.Elango

.. Respondents

The writ petition has been filed, under Article 226 of the Constitution of India, praying for the issue of the Writ of Mandamus, directing the respondents 1 and 2 to appoint a special team or any other team to enquire about the bogus FIR created by the respondents 3 and 4 and further to direct the first and the second respondents to take appropriate action against the third and the fourth respondents, in accordance with law.

For Petitioner : Mr.S.Ramajayam

For Respondents : Mr.P.Karthikeyan, GA for RR1 and 2
No appearance for RR3 and 4

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ORDER

Heard.

2 This writ petition has been filed, praying that this Court may be pleased to issue a Writ of Mandamus, directing the respondents 1 and 2, to consider the representations of the petitioner, dated 8.5.2014 and 19.5.2014, for appointing a special team to enquire about the bogus First Information

Report, created by the respondents 3 and 4, and for taking an appropriate action against them, in accordance with law.

3 The petitioner has stated that the respondents 3 and 4 are responsible for creating the bogus F.I.R., based on the false complaint made by the accused, who had caused severe injuries to Kubendiran, who is a relative of the petitioner. The respondents 3 and 4 are acting in collusion with the accused, who had caused serious injuries to the relatives of the petitioner. Therefore, the petitioner has preferred the present writ petition before this Court, praying that this Court may be pleased to issue a direction to the respondents 1 and 2, to take an action against the third and the fourth respondents.

4 A counter affidavit has been filed on behalf of the second respondent, denying the allegations made by the petitioner in the affidavit filed in support of the writ petition. The learned counsel appearing on behalf of the respondents 1 and 2 had submitted that it is for the petitioner to seek her remedies, if any, to quash the F.I.R., said to have been created by the respondents 3 and 4, based on certain false complaints, by moving an appropriate application, before the appropriate forum, under Section 482 of the Criminal Procedure Code. The learned counsel had further submitted that no writ petition would lie for seeking such reliefs.

5 In view of the said submissions made by the learned counsel appearing on behalf of the respondents 1 and 2, this Court is of the view that the present writ petition is not maintainable. Hence, this writ petition stands dismissed. No costs. However, it may be open to the petitioner to seek her remedies, if any, before the appropriate forum, to quash the F.I.R. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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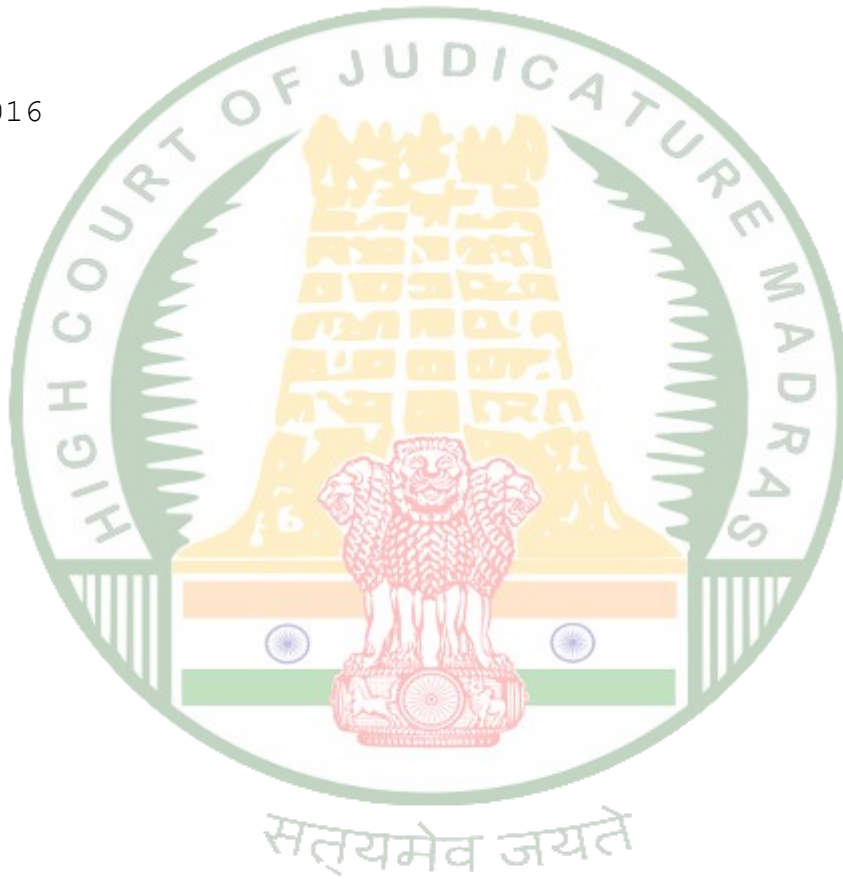
1.The Director General of Police,
Dr.Radhakrishnan Salai,
Chennai.

2.The Superintendent of Police,
Villupuram District.

+1 cc to Mr.S.Ramajayam Advocate sr.43603
+1 cc to Government Pleader sr.44164

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