

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.10.2016

CORAM:

THE HON'BLE MR. JUSTICE P.N. PRAKASH

W.P. No.35713 of 2016

&

W.M.P. No.30694 of 2016

B. Sampath

... Petitioner

Vs.

1. The Superintendent of Police
Namakkal District
Namakkal
2. The Deputy Superintendent of Police
Rasipuram Police Division
Rasipuram, Namakkal District
3. Sub-Registrar
Sub-Registrar's Office
Rasipuram
Rasipuram Taluk
Namakkal District
4. V. Sakthivel
5. G. Manimaran

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the second respondent to take appropriate action against the respondents 3, 4 and 5 in accordance with law in respect of the complaint dated 23.03.2016 and 14.04.2016 made by the petitioner to the second respondent by registering the above complaint and completing the investigation within a time limit.

For petitioner : M/s. T. Sundaranathan

For RR 1 & 2 : Mr. C. Emalias
Additional Public Prosecutor

ORDER

This writ petition is filed seeking a writ of mandamus directing the second respondent to take appropriate action against the respondents 3, 4 and 5 in accordance with law in respect of the petitioner's complaints dated 23.03.2016 and 14.04.2016 to the second respondent by registering the above complaints and completing the investigation within a time limit.

2. It appears that the petitioner has lodged a complaint dated 23.03.2016 with the Deputy Superintendent of Police, Rasipuram, Namakkal District, seeking to take action against respondents 3 to 5 and followed it up with a representation dated 14.04.2016 to the said authority by Registered Post with Acknowledgment Due and has thereafter, filed the present writ petition seeking a direction to the respondent police to register an FIR on his complaint.

3. In Sakiri Vasu v. State of Uttar Pradesh and others [(2008) 2 SCC 409], the Supreme Court has held that a petition for a direction to the respondent police to register an FIR is not maintainable, unless the party exhausts all the alternative remedies available under the Cr.P.C. Following Sakiri Vasu and also the judgment of the Supreme Court in State of Punjab vs. Davinder Pal Singh Bhullar and others [(2011) 14 SCC 770], this Court, vide order dated 27.09.2016, dismissed Crl.O.P.Nos.19197 of 2016, etc. batch (Sugesan Transport Pvt. Ltd., Adyar, Chennai 600 020 vs. The Assistant Commissioner of Police, J-2, Adyar Police Station, Adyar, Chennai 600 020 and another), which were filed seeking a direction to the respondent police to register FIR, with certain directions.

In view of the above, this writ petition is dismissed with liberty to the petitioner to work out his remedies in the manner known to law, as laid down in the judgment of this Court in Crl.O.P.Nos.19197 of 2016, etc. batch. No costs. Connected W.M.P. is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

cad

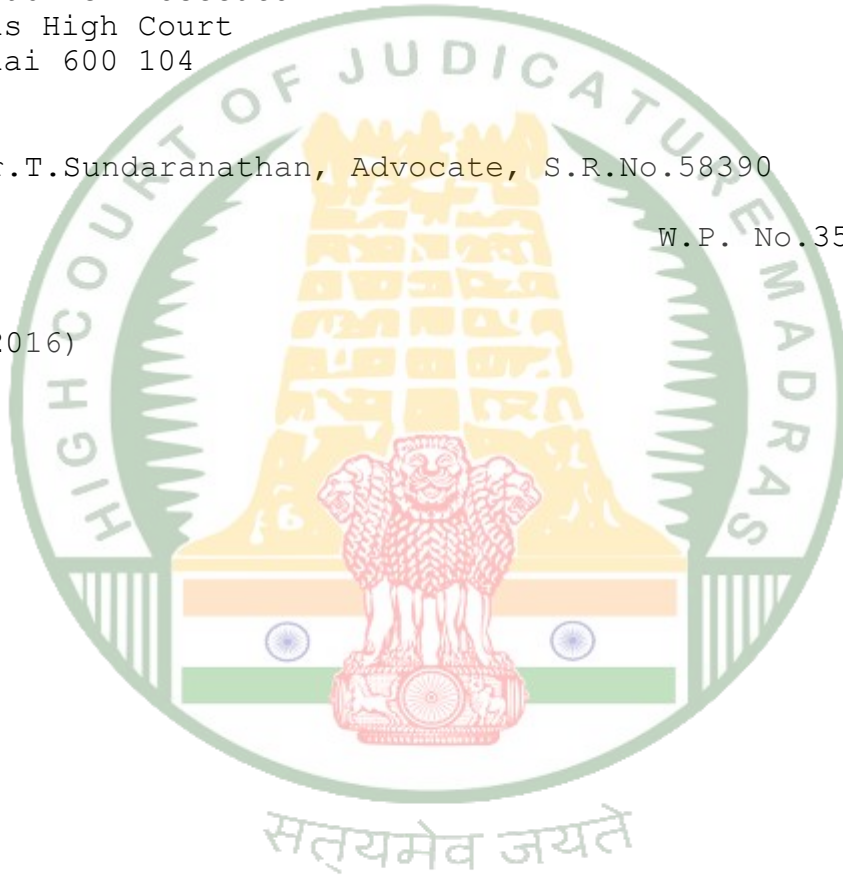
To

1. The Superintendent of Police
Namakkal District
Namakkal
2. The Deputy Superintendent of Police
Rasipuram Police Division
Rasipuram, Namakkal District
3. The Public Prosecutor
Madras High Court
Chennai 600 104

+1cc to Mr.T.Sundaranathan, Advocate, S.R.No.58390

W.P. No.35713 of 2016

RSI (CO)
CA(10/11/2016)



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