



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) No.8425 of 2014

and

M.P.(MD).No.1 of 2014

SELVARAJ

... Petitioner

Vs.

1 THE SUPERINTENDENT OF POLICE
KANYAKUMARI DISTRICT.

2 THE REVENUE DIVISIONAL OFFICER
PADMANABHAPURAM, THUCKLAY,
KANYAKUMARI DISTRICT.

3 THE SUB INSPECTOR OF POLICE
ARUMANAI POLICE STATION

KANYAKUMARI DISTRICT.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st Respondent to consider the petitioner's representation dated 23.04.2014 and to pass appropriate orders within the time stipulated by this Court.

For Petitioner : Mr.M.R.Sreenivasan

For Respondents : Mr.R.Anandraj
Government Advocate

ORDER

This writ petition has been filed for a direction, directing the 1st Respondent to consider the petitioner's Representation dated 23.04.2014 and to pass appropriate orders within the time stipulated by this Court.

2.The grievance of the petitioner is that the second respondent initiated a proceedings under Section 107 Cr.P.C. According to the petitioner, he is innocent and he has been falsely implicated in the above proceedings. Hence, on



23.04.2014, he made a representation to the first respondent/Superintendent of Police, Kanyakumari District to take action against the person, who initiated the proceedings against him under Section 107 Cr.P.C. Since no order has been passed, the present writ petition has been filed.

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3.Perusal of the affidavit and the representation made by the petitioner, this Court is of the view that if at all any proceeding has been initiated under Section 107 Cr.P.C, it is open to the petitioner to challenge the same, if there is any violation, and for that purpose, the Superintendent of Police has no power to take action against the person, who initiated the proceedings under Section 107 Cr.P.C.

4.In view of the above legal position, this writ petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To

- 1 THE SUPERINTENDENT OF POLICE
KANYAKUMARI DISTRICT.
- 2 THE REVENUE DIVISIONAL OFFICER
PADMANABHAPURAM, THUCKLAY,
KANYAKUMARI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
ARUMANAI POLICE STATION, KANYAKUMARI DISTRICT.

+1 cc to M/s.r.Sreenivasan, Advocate in SR.No.70122

+1 cc to The Special Government Pleader in SR.No.70247

Vs

CSL/GSV-PM/02.01.2017 :2P/6C

**W.P(MD)No.8425 of 2014
and M.P.(MD).No.1 of 2014**

17.11.2016