

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

Writ Petition No.35078 of 2016
and
WMP Nos.30232 & 30233 of 2016

M.Balaji ... Petitioner
Vs

1.The Union Secretary,
Ministry of Home Affairs,
North Block,
Central Secretariat,
New Delhi - 110 001.

2.The Principal Home Secretary,
Government of Tamill Nadu,
Secretariat,
Chennai - 600 009.

3.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai - 600 004.

4.The Registrar General,
Madras High Court,
Chennai - 600 104.

.. Respondents

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India calling for the writ of mandamus directing the respondents 2 and 3 to withdraw all the cases pending before the trial Courts filed under Sections 172 to 188 I.P.C., by the way of charge sheet/Final report under Section 173 Cr.P.C.

For Petitioner : No Appearance

For R.1 : No Appearance

For RR2 & 3 : Mr.A.N.Thambidurai,
Special Government Pleader

For R.4 : Mr.B.Vijay

ORDER

(Order of the Court was made by S.Nagamuthu.J)

No representation for the petitioner. The petitioner is an Advocate practicing in this Court. He has come up with this litigation under the guise of the Public Interest Litigation (PIL) with a peculiar prayer, seeking a direction to the respondents 2 and 3 herein to withdraw the cases pending before the trial Courts involving offences under Sections 172 to 188 I.P.C., by way of charge sheet/final report under Section 173 Cr.P.C.

2.We have heard Mr.A.N.Thambidurai, learned Special Government Pleader appearing for the respondents 2 and 3 and Mr.B.Vijay, learned counsel appearing for the fourth respondent. There is on representation for the first respondent despite noticed issued. We have perused the records carefully.

3.For more than one reason, at the outset, we should say that this Public Interest Litigation is highly misconceived and the same deserves only to be dismissed summarily. First of all, the petitioner has not given the details of the cases wherein, the Criminal Courts have taken cognizance of offences under Sections 172 to 188 I.P.C., on any police report. If really any Court has taken cognizance of these evidences on police report, on the ground that it is wholly without jurisdiction, it is for the person against whom the final report has been filed to work out his remedies in the manner known to law. When such a remedy is available for the individual concerned, a Public Interest Litigation, at the instance of the petitioner, cannot be entertained. We do not find any merit at all in this writ petition.

4.In the result, the writ petition fails and accordingly, the same is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

sd/
Assistant Registrar(CS VI)

/true copy/

Sub Assistant Registrar

jbm

To

1.The Union Secretary,
Minstry of Home Affairs,
North Block,
Central Secretariat,
New Delhi - 110 001.

2.The Principal Home Secretary,
Government of Tamill Nadu,
Secretariat, Chennai - 600 009.

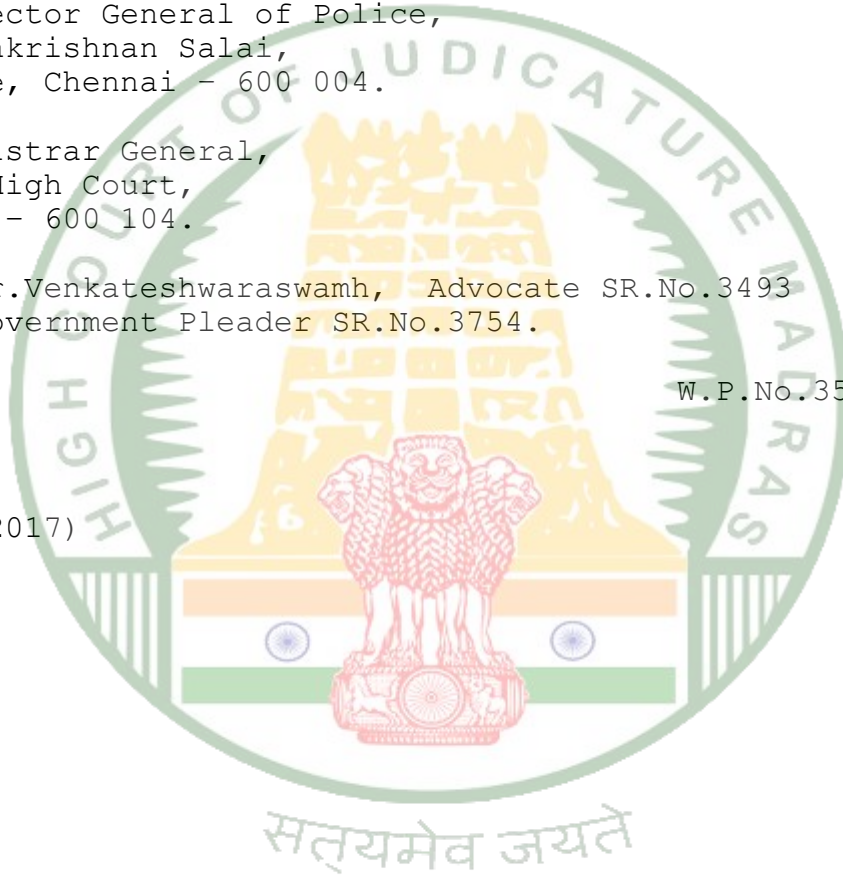
3.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

4.The Registrar General,
Madras High Court,
Chennai - 600 104.

+1cc to Mr.Venkateshwaraswamh, Advocate SR.No.3493
+1cc to Government Pleader SR.No.3754.

W.P.No.35078 of 2016

ALA (CO)
GN(20/02/2017)



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