



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2017

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

W.P.(MD) No.19082 of 2015

R.Chandramohan

... Petitioner

-vs-1. The City Commissioner of Police,
Trichy.2. The Inspector of Police,
City Crime Branch,
Trichy.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents to register First Information Report on the complain dated 20.06.2015 filed by the petitioner and to proceed in accordance with law.

For Petitioner : Mr.Elephant G.Rajendran
For Respondents : Mr.T.S.Mohammed Mohideen,
Addl. Govt. Pleader

Reserved on	Pronounced on
15.03.2017	23.03.2017

ORDER

This petition has been filed, seeking to direct the respondents to register a First Information Report on the complain dated 20.06.2015 filed by the petitioner and to proceed in accordance with law.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. It is the case of the petitioner that he has received a Legal notice dated 12.12.2011 from one Ramachanran, S/o.Subramanian, Trichy, demanding Rs.50,00,000/- in the year 2012, for which, he sent a reply notice dated 09.01.2012, through his Advocate, stating that he does not know Ramachandran from Adam. It is alleged by the



petitioner that on 10.06.2015, one person claiming himself to be sent by Ramachandran came to his office and threatened him. Therefore, the petitioner has given a complaint dated 20.06.2015 to the respondent police and has filed the present writ petition for the aforesaid direction.

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4. In **Sugesan Transport Pvt. Ltd. represented by its Director Rajendra Sheth No.7C, Second Canal Cross Road Gandhi Nagar Adyar, Chennai 600 020 vs. The Assistant Commissioner of Police, J-2, Adyar Police Station, Adyar, Chennai 600 020 and another**, reported in **2016 (2) CTC 286**, this Court has clearly held that neither writ petition nor a petition filed under 482 of Cr.P.C. for a direction to the respondent police to register an FIR is maintainable, unless the party exhausts all the alternative remedies available under the Cr.P.C.

5. In this case, the petitioner had received notice dated 12.12.2011, said to have been issued by one Muthappan, Advocate on behalf of Ramachandran without any address. The petitioner should have immediately lodged a Police complaint, but he did not do so for reasons best known to him. Thereafter, he contended that on 10.06.2015, one person came to his office and threatened him and therefore, he has given the present complaint on 20.06.2015.

6. The 2nd respondent has filed a status report, wherein it is stated as follows:

"On enquiry to the advocate Muthappan who sent the notice on 12.12.2011 was contacted over phone, has informed that he has no remembrance in this matter due to efflux of 4 years. Hence the petitioner was informed that he has to prefer a complaint at the nearest police station. Nobody has submitted any records in this regard. Hence I have not taken any action at my end."

7. It is seen that the said notice was given in the year 2011 and the complaint has been given only in the year 2015. Of course, it is the contention of the petitioner that he has given a complaint in the year 2015, because, one person came to his office and threatened him on 10.06.2015. In the petition, the petitioner has not even stated the name of the person, who came and threatened him on 10.06.2015. Thus, the allegation has become stale.

8. Admittedly, the petitioner is the husband of one Sumathi and son of one Rengaraju and the said Sumathi and Rengaraju have made similar allegations against one Gobi and Arunkumar and that they have also stated that one person came and threatened them in the year 2015, of course on different dates. This arises suspicion in the mind of the Court about the very bona fide of the petitioner.

9. However, the Police have conducted enquiry and during enquiry, it came to light that the said Ramachandran has not issued any notice. In view of the above, this petition is closed with



liberty to the petitioner to approach the Tamil Nadu Bar Council against the Advocate, who is said to have issued the notice dated 12.12.2011, subject to rules of limitation. No costs.

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Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To:

1. The City Commissioner of Police,
Trichy.
2. The Inspector of Police,
City Crime Branch,
Trichy.

+ 1 CC TO Mr.ELEPHANT G.RAJENDRAN, ADVOCATE IN SR No. 17744

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TE/JC : 19/04/2017 : 3P/4C

W.P. (MD) No.19082 of 2015
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