



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.19472 of 2015

N.Rengaraju

... Petitioner

-vs-

1. The Commissioner of Police,
Trichirapalli.
2. The Inspector of Police (Crime),
Waraiyur Police Station,
Waraiyur, Trichy-620 003.

... 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 complaint of the petitioner dated 20.06.2015 and to proceed in accordance with law.

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

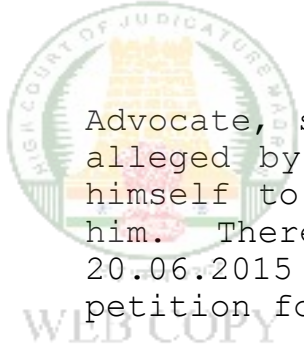
Reserved on	Pronounced on
15.03.2017	23.03.2017

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 with 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 had received an Advocate notice dated 10.02.2012 from one S.Arunkumar, S/o.P.Srinivasan, Trichy, demanding Rs.4,00,000/- in the year 2012, for which, he sent a reply notice dated 21.02.2012, through his



Advocate, stating that he does not know Arunkumar from Adam. It is alleged by the petitioner that on 10.06.2015, one person claiming himself to be sent by Arunkumar 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.

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 is the father of one Chandramohan and father-in-law of Sumathi. Both Chandramohan and Sumathi have made similar allegations that they received Advocate notices in the year 2011 to 2012 from some unknown persons and in the year, someone came and threatened them. 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. In this case, Arunkumar has sent a notice dated 24.10.2015 through Advocate Nazir Ali, addressed to N.Senthilkumar, Rengarajan and Chandramohan, stating that he had not instructed N.Senthilkumar to issue any notice either to Rengarajan or to Chandramohan.

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

"4. Hence summons were sent to Arunkumar to appear at Woraiyur (Crime) Police Station for enquiry. Arunkumar appeared in person on 21.10.2015 and gave a written explanation stating that never gave any money to any person and never sent any legal notice to the petitioner's father. Further he never sent anybody to threaten the petitioner at any time."

8. During Police enquiry, it is seen that one Rajesh Kumar was examined and has given a statement that he was working under M/s.Sri Vinayaga Property Developers through whom, Chandramohan is said to have sold certain properties and that there is a dispute between Sri Vinayaga Property Developers and Chandramohan and that Senthilkumar was the Advocate of Sri Vinayaga Property Developers. Thus, there appears to be some litigation between Sri Vinayaga Property Developers and Chandramohan.



9. It is seen that the said notice was given in the year 2012 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.

10. However, the Police have conducted enquiry and during enquiry, it came to light that the said Arunkumar 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 10.02.2012, , subject to rules of limitation. No costs.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To:

1. The Commissioner of Police,
Trichirapalli.
2. The Inspector of Police (Crime),
Waraiyur Police Station,
Waraiyur, Trichy-620 003.

+ 1 CC TO Mr.ELEPHANT G.RAJENDRAN, ADVOCATE IN SR No. 17742

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

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