

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 21.07.2017****CORAM:****THE HONOURABLE MR.JUSTICE S.S.SUNDAR****W.P. (MD) No.13491 of 2017****WEB COPY**

M.A.M.Faruk

... Petitioner

Vs.

1. The Superintendent of Police,
Kanyakumari District,
Nagercoil.

2. The Inspector of Police,
Kottar 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 and 2nd respondents to register the case based on the petitioner's complaint dated 15.03.2017 on the file of the 2nd respondent police.

For Petitioner	: Mr.P.Muthuvijayapandian
For Respondents	: Mr.A.K.Baskara Pandian Special Government Pleader

ORDER

This Writ Petition has been filed seeking for the issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to register a case, based on the petitioner's complaint dated 15.03.2017 on the file of the 2nd respondent police.

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

3.The petitioner himself has admitted that he has filed a similar petition before the learned Judicial Magistrate No.2, Nagercoil for registering the complaint as against the persons who are shown as accused in his complaint dated 15.03.2017. That petition was filed before the learned Magistrate on 26.05.2017. According to the learned counsel for the petitioner, the learned Magistrate has returned that petition, after entertaining a doubt with regard to jurisdiction.

4.As repeatedly held by this Court in various cases, the petitioner, in this case, should only approach the concerned Judicial Magistrate for a direction under Section 156(3) Cr.P.C. Hence, this Court is inclined to dispose of this petition with the



following direction:

"The petitioner is directed to pursue his petition, which was filed before the learned Judicial Magistrate, No.2, Nagercoil to issue a direction for registration of the criminal case. The learned Judicial Magistrate, No.2, Nagercoil is directed to number the petition filed on 26.05.2017 and pass appropriate orders on merits. The petitioner is directed to represent the papers immediately."

5. Accordingly, the Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (Writs)

/True copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Kanyakumari District,
Nagercoil.

2. The Inspector of Police,
Kottar Police Station,
Kanyakumari District.

Copy To:

The Judicial Magistrate No.II,
Nagercoil.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 67289.

+1 CC to M/s.P.MUTHU VIJAYA PANDIAN, Advocate, SR No. 66920.

VS/LS

PSM/JC/SAR1/28.07.2017/2P/6C

W.P. (MD) No. 13491 of 2017
21.07.2017