



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2017

CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.13570 of 2017

M.Jenitha

... Petitioner

-Vs-

1. The Superintendent of Police,
Thoothukudi,
Thoothukudi District.

2. The Inspector of Police,
Alwarthirunagari Police Station,
Alwarthirunagari,
Thoothukudi District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to register a case on the petitioner's complaint, dated 30.06.2017.

For Petitioner : Mr.N.Dilip Kumar

For Respondents : Mr.A.K.Baskarapandiyam,
Special Government Pleader.

ORDER

This Writ petition is filed for issuing a Writ of Mandamus, seeking a direction to the respondents to register a case on the petitioner's complaint, dated 30.06.2017.

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

3. This Writ petition is liable to be dismissed as not maintainable. Similar Writ petitions have been dismissed by this Court, holding that the petitioners seeking a direction to register First Information Report is not maintainable. The Hon'ble Supreme Court has also held in the cases of **Sakiri Vasu Vs. State of Uttar Pradesh and Others**, reported in **2008 (2) SCC 409** and



Bhupinder Singh and Others Vs. Jarnail Singh and another, reported in, **2006 (6) SCC 277** that the petitioner cannot maintain the Writ petition under section 482 of Criminal Procedure Code, for direction to register the complaint. It has been further held that the complainant has an effective alternative remedy by approaching the jurisdictional Magistrate under section 156(3) of Criminal Procedure Code.

4. Following the Judgment of the Hon'ble Supreme Court, this Court also in the case of **Sugesan Transport Pvt. Ltd., v. the Assistant Commissioner of Police, J2 Adyar Police Station, Chennai and another**, reported in **2016(5) CTC 577**, has held that under Section 482 of Criminal Procedure Code, for a direction to the Police officials to register criminal case is not maintainable.

5. In view of the decision of the Hon'ble Supreme Court as well the decision of this Court, the Writ Petition is dismissed as not maintainable and liberty is given to the petitioner to approach the jurisdictional Magistrate to workout his remedy under section 156(3) of Criminal Procedure Code. No Costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Thoothukudi,
Thoothukudi District.
2. The Inspector of Police,
Alwarthirunagari Police Station,
Alwarthirunagari,
Thoothukudi District.

+1cc to Mr.N.Dilip Kumar, Advocate Sr.No.67427

+1cc to Spl.Government Pleader Sr.No.67987

PMU

VB/JC/SAR4/23.08.2017/2P/5C

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