



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2017

CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDARW.P. (MD) No.13571 of 2017

WEB COPY

S.Kuttiraja

... Petitioner

-Vs-

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

2. The Inspector of Police,
Shengottai Police Station,
Shengottai,
Tirunelveli 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 against the proposed accused Nos.1 and 2 and to recover the lorry bearing Registration No.TN 52-C-1688 on the basis of the petitioner's complaint, dated 19.06.2017.

For Petitioner : Mr.T.Indrachithu

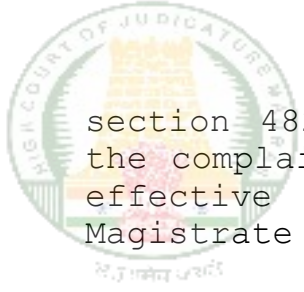
For Respondents : Mr.A.K.Baskarapandiyan,
Special Government Pleader.

ORDER

This Writ petition is filed for issuing a Writ of Mandamus, seeking a direction to the respondents to register a case against the proposed accused Nos.1 and 2 and to recover the lorry bearing Registration No.TN 52-C-1688 on the basis of the petitioner's complaint, dated 19.06.2017.

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 as 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 work out his remedy under section 156(3) of Criminal Procedure Code. No Costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

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

2. The Inspector of Police, Shengottai Police Station,
Shengottai, Tirunelveli District.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 67989
PMU
JS/SKN.RSK/SAR.3/23.08.2017/2P-4C

W.P. (MD) No. 13571 of 2017
24.07.2017