



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2017

WEB COPY

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THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD) No. 13814 of 2017

M.S.Nandakumar

... Petitioner

-Vs-

The Inspector of Police,  
Chinnamanur Police Station,  
Theni District.

... Respondent

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to take necessary action on the basis of the Petitioner's complaint dated 07.07.2017 for offences under section 120 B, 406, 420 and 403 of IPC within the time stipulated by this Court.

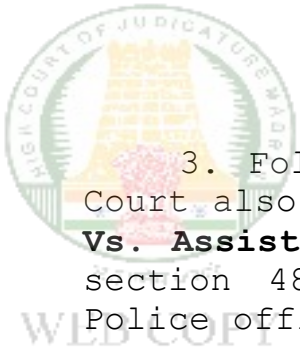
For Petitioner : Mr.T.Lajapathy Roy

For Respondents : Mr.A.K.Baskarapandian  
Special Government Pleader.

### **O R D E R**

This writ petition has been filed to direct the respondent to take necessary action on the basis of the Petitioner's complaint dated 07.07.2017 for offences punishable under Sections 120 B, 406, 420 and 403 IPC.

2.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.



3. Following the judgment of the Hon'ble Supreme Court, this Court also in the case of **Suhesh Transport Private Limited Chennai Vs. Assistant Commissioner of Police, Chennai** has held that under section 482 of Criminal Procedure Code, for a diction to the Police officials to register criminal case is not maintainable

4. 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, liberty is given to the petitioner to approach the jurisdictional Magistrate to workout his remedy. No Cost.

Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To

The Inspector of Police,  
Chinnamanur Police Station,  
Theni District.

+1 cc to Mr.T.Lajapathi Roy , Advocate in SR.No. 68437  
+1 cc to The Special Government Pleader in SR.No.68675

dsk/sss

AE/JC/SAR3/11.08.2017/2P/4C

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