

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 22.08.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR**W.P (MD) No.15696 of 2017**

Priya Rangarajan

: Petitioner

-Vs-

1. The State represented by,
The Inspector of Police,
East Police Station,
Kumbakonam - 612 001.
Thanjavur District.

2. S.Edin Baro.

: Respondents

PRAYER: This Writ Petition has been filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the 1st respondent to register the case as against the Accused/2nd respondent on the basis of the complaint dated 20.07.2017 in the light of judgment made by the Hon'ble Supreme Court Constitution Bench in (2014) 2SCC 1 titled as to Lalithakumari Vs Government of U.P and others in accordance with law on merits.

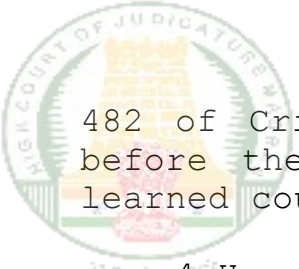
For Petitioner : Mr.R.Krishnamurthy.
For Respondent1 : Mr.S.Sathish Kumar,
Additional Government Pleader.

O R D E R

This petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the 1st respondent to register the case on the basis of the petitioner's complaint dated 20.07.2017.

2. Heard Mr.R.Krishnamurthy, learned counsel appearing for the petitioner and Mr.S.Sathish Kumar, learned Additional Government Pleader, appearing for respondent.

3.The learned counsel appearing for the petitioner strenuously argued that the judgment of Hon'ble Supreme Court in Lalithakumari case governs the field by virtue of Article 141 of the Constitution of India. The said submission in the present context has no merits. The issue whether similar petition under Section



482 of Criminal Procedure Code, is maintainable or not was not before the Hon'ble Supreme Court in the Judgment cited by the learned counsel for the petitioner.

4. Hence, this petition is dismissed. However, liberty is given to the petitioner to approach the learned Judicial Magistrate as provided under Section 156 (3) of Criminal Procedure Code. This Court has earlier dismissed similar writ petitions following the judgment of Hon'ble Supreme Court in the case of Sakiri Vasu Vs. State of Uttar Pradesh and Others, reported in 2008 (2) SCC, 409 and Sudhir Bhaskarrao Tambe v. Hemantas Yashwant Dhage and others, reported in (2016) 6 SCC 277.

sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

The Inspector of Police,
East Police Station,
Kumbakonam - 612 001.
Thanjavur District.

+2cc to M/S. R.KRISHNAMURTHY, Advocate, SR.No.73941.

+1cc to Special Government Pleader, SR.No.74580.

W.P (MD) No.15696 of 2017
22.08.2017

das/myr

SDS/SV:MMS/SAR 3/28.08.2017/2P/5C