



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No. 15857 of 2017

Vijayamalini

... Petitioner

-Vs-

1. The Superintendent of Police,
Sivagangai District.
2. The Inspector of Police,
Town Police Station, Sivagangai.
3. C.T.Ramasamy,

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to take action against the third respondent for the illegal acts committed against the petitioner and to conduct preliminary enquiry based on the petitioner's complaint dated 28.07.2017 disclosing cognizable offences within the time stipulated by this Court.

For Petitioner	: Mr.K.Chenkizkhan
For Respondents	: Mr.A.K.Baskarapandian
1 and 2	Special Government Pleader.

O R D E R

This writ petition has been filed to direct the first and second respondents to take action against the third respondent and to conduct preliminary enquiry based on the complaint given by the petitioner dated 28.07.2017 disclosing cognizable offences.

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 in, Sakiri Vasu Vs. State of Uttar Pradesh and Others, reported in 2008 (2) SCC, 409 and Suchir Bhaskarrao Tambe v. Hemantas Yashwant Dhage and others, reported in (2016) 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 has also in the case of Suhesh Transport Private Limited Chennai Vs. Assistant Commissioner of Police, Chennai held that under section 482 of Criminal Procedure Code, petition for a direction to the Police officials to register criminal case is not maintainable.

3. 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, however, liberty is given to the petitioner to approach the jurisdictional Magistrate to workout her remedy in the manner known to law. No Cost.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Sivagangai District.
2. The Inspector of Police,
Town Police Station, Sivagangai.

+1cc to Special Government Pleader, SR.No.74647.

W.P.(MD) No. 15857 of 2017
23.08.2017

dsk/smi

SDS/JC/SAR 4/18.09.2017/2P/4C