



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.03.2017

CORAM :

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P(MD) No.395 of 2017

K.Algarsamy

... Petitioner

Vs.

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

2. Kasi,
Special Sub-Inspector of Police,
Muthukulathur Police Station,
Ramanathapuram District.

3. Narasinga Moorthy,
Special Sub-Inspector of Police,
Muthukulathur Police Station,
Ramanathapuram District.

4. Senthil Kumar,
Sub-Inspector of Police,
Muthukulathur Police Station,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the 1st respondent to make proper enquiry for the representation sent by the petitioner dated 01.11.2016 and to take necessary department action against the respondents 2 to 4 within the time stipulated by this Court.

For Petitioner	: Mr. K.Sudalaiyandi
For R1	: Mr. T.S.Mohammed Mohideen Additional Government Pleader
For R2	: Mr. N.Saravanan
For R3	: Mr.Antony santhosh
For R4	: Mr. V. Sankaranarayanan

ORDER

This writ petition has been filed for a direction to the 1st respondent to make proper enquiry for the representation sent by the petitioner dated 01.11.2016 and to take necessary department action against the respondents 2 to 4 within the time stipulated by this Court.



2.It is the case of the petitioner that his brother Balamurugan lodged a private complaint before the Judicial Magistrate, Mudukulathur in CrI.M.P.No.2330/2016, which was referred to the Inspector of Police, Mudukulathur Police Station under Section 156 (3) Cr.P.C. Pursuant to which, a case in Crime No.209/2016 has been registered on 30.08.2016 under Sections 120(B), 420 and 468 IPC against Veerapathiran, Senthilkumar, Arjunan and Murugesan.

3.It is the contention of the petitioner that on the complaint of one Arjunan, the respondent police has entered into the house of the petitioner and misbehaved. In this regard, the petitioner has given a complaint dated 01.11.2016 by post to the concerned authority and has filed the present writ petition for a direction to the respondent to enquire into his complaint dated 01.11.2016 and take necessary action.

4. Mr.T.Narasingamoorthy, Special Sub Inspector of Police is present before this Court.

5. The learned Additional Government Pleader refuted the allegations of the petitioner and submitted that the representation has been sent only as a counterblast to thwart the complaint given by Arjunan against this petitioner.

6. In the considered opinion of this Court, the direction as prayed for cannot be granted in the light of the law laid down by this Court in **Sugesan Transport Pvt. Ltd., v. the Assistant Commissioner of Police, J2 Adyar Police Station, Chennai and another** reported in **2016(5) CTC 577**. However, the respondent police is directed to conduct enquiry on the complaint of Arjunan and the petitioner shall cooperate with the enquiry. During the enquiry, the petitioner shall not be harassed. If any cognizable offence is made out, this order will not be a bar to register an FIR and take action against the petitioner.

With the above direction, this petition is closed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub-Assistant Registrar

To

1.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram

+1 CC TO M/S.K.SUDALAIYANDI,ADVOCATE,SR NO.14288

+1 CC TO M/S.V.SANKARA NARAYANAN,ADVOCATE,SR NO.14303

+1 CC TO SPECIAL GOVERNMENT PLEADER SR NO.14084

RR

MAS/RR:28.03.2017:2P-5C