



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.04.2017

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THE HON'BLE MR.JUSTICE P.N.PRAKASH

W.P.(MD) No.4590 of 2017

A.Prabu

.. Petitioner

-vs-

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

2.The Deputy Superintendent of Police,
Lalgudi, Trichy District.

3.The Inspector of Police,
Lalgudi Police Station, Trichy District.

4.The Inspector of Police,
All Women Police Station,
Cantonment,
Trichy District.

5.X.Mercy

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondent police to consider the petitioner's representation dated 01.03.2017 at the earliest before next enrolment in March-April 2017 to enable the petitioner to enroll as advocate with the State Bar Council of Tamil Nadu.

For Petitioner	:	Mr.P.Bhaskar
For Respondents	:	Mr.T.S.Mohammed Mohideen Additional Government Pleader for R.1 to R.4
	:	Mrs.R.Yamuna for R.5

O R D E R

It is the case of the petitioner that he wants to enroll as an Advocate, but he has not given clearance certificate by the Police on the ground that there are criminal cases against him and therefore, the petitioner has come with the above prayer.



2. Heard the learned Counsel for the petitioner, the learned Additional Government Pleader appearing for the respondents 1 to 4 and the learned Counsel appearing for the fifth respondent.

3. It is seen that the petitioner was in love with the fifth respondent and they got married. Thereafter, their love ran into rough weather resulting in four criminal cases being registered at the instance of the fifth respondent which are as under:

Sl. No	Crime No.	Section of Law	Police Station	Stage
1	451/2013	147, 294(b), 323, 506 (i) I.P.C. r/w 4 of WH Act	Lalgudi PS	Under investigation
2	751/2014	147, 206, 424 I.P.C.	Lalgudi PS	Under investigation
3	79/2015	294(b), 323, 379, 506 (i) I.P.C.	Lalgudi PS	Under investigation
4	28/2015	294(b), 323, 506(ii) I.P.C.	AWPs, Cantonment Trichy City	MF

4. In view of the above, when the investigation is pending in the said cases, a mandamus as prayed for by the petitioner cannot be granted because investigations have to be conducted in terms of Chapter 12 of the Code of Criminal Procedure and this Court cannot direct the respondent police to investigate the case in a particular manner.

5. The learned Counsel for the fifth respondent submitted that apart from four cases, members of the public have also given complaints against this petitioner alleging that he had duped them by representing that he is an Advocate by profession. The learned Counsel brought to the notice of this Court that one Sundari has given a complaint against this petitioner and has followed it up by filing a petition in CrI.O.P.No.8767 of 2015 for a direction to the respondent police to register the F.I.R. against this petitioner on her complaint.

6. The learned Counsel for the petitioner submitted that the fifth respondent has come out with all these allegations in order to wreck vengeance against the petitioner with mala fide motive.

7. Be that as it may, in the considered opinion of this Court, a Mandamus as prayed for by the petitioner cannot be granted, especially in the light of the fact that the cases against the petitioner are under investigation.



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8. In the result, this Criminal Original Petition is devoid of merits. Accordingly, the same is dismissed.

/True Copy/

Sd/-

Assistant Registrar(Writs)

Sub Assistant Registrar

To:

1. The Superintendent of Police,
Trichy, Trichy District.
2. The Deputy Superintendent of Police,
Lalgudi, Trichy District.
3. The Inspector of Police,
Lalgudi Police Station,
Trichy District.
4. The Inspector of Police,
All Women Police Station,
Cantonment,
Trichy District.

+1 cc to Mr.R.Yamuna, Advocate, SR.No.50013

+1 cc to Special Government Pleader, SR.No. 50239

W.P. (MD) No.4590 of 2017
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MKV-RR-SAR 3/27.4.2017/3P-7C