



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P. (MD) .No.5064 of 2017

V.Raja

.. Petitioner

Vs.

1.The Superintendent of Police,
District Police Office,
Moondrumavadi,
Azhagarkovil Road,
Madurai District.

2.The Deputy Superintendent of Police,
Usilampatti Taluk,
Madurai District.

.. Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to take necessary and stringent action against the Inspector of Police Checkanoorani Police Station, who has nexus with the accused persons who are harmful to the life of the petitioner, my family members in order to save our precious lives on the basis of the representation, dated 15.03.2017 within time frame as may be fixed by this Court.

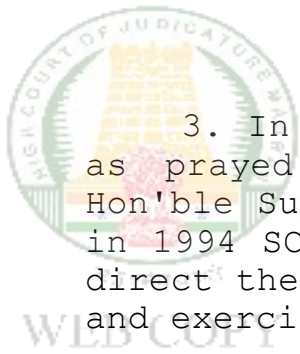
For Petitioner :Mr.K.Safar Badhusha

For Respondents :Mr.T.S.Mohammed Mohindeen
Additional Government Pleader

ORDER

It is seen that on the complaint given by the petitioner, the respondent police have registered a case in Crime No.86 of 2017 on 17.02.2017 for the offences punishable under Sections 406, 420, 408, 471, 294(b) and 506(ii) IPC against one Pitchai and Sabarimuthu and others.

2. It is the grievance of the petitioner that after registration of the First Information Report, the police have not taken any steps apprehending the accused and that the accused are roaming freely and even threatening the petitioner. Therefore, the petitioner has given a representation, dated 15.03.2017, to the Superintendent of Police, Madurai District, to take action against the Inspector of Police, Checkanoorani Police Station, Usilampatti Taluk, Madurai District, for inaction.



3. In the considered opinion of this Court, no such direction as prayed for by the petitioner can be granted, because the Hon'ble Supreme Court in Joginder Kumar v. State of U.P. reported in 1994 SCC(4) 260, has very clearly stated that the Court cannot direct the police to arrest a person. Power to arrest is one thing and exercise of the power is another thing.

4. On the reading of the complaint in Cr.No.86 of 2017, the dispute essentially appears to be civil in nature. Therefore, this Court directs the Inspector of Police, Checkanoorani Police Station, Usilampatti Taluk, Madurai District, to conduct the enquiry in Cr.No.86 of 2017 and either file a closure report or charge sheet as the case may be under due intimation to the petitioner. In the meanwhile if there is any threat to the petitioner, it is always open to the petitioner to approach the Inspector of Police, Checkanoorani Police Station, Usilampatti Taluk, Madurai District and the said Inspector of Police, is directed to look into the allegations of the petitioner and take action in accordance with law. Office is directed to issue a copy of this order to the Inspector of Police, Checkanoorani Police Station, Usilampatti Taluk, Madurai District. With the above direction, the writ petition is closed. No costs.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
District Police Office, Moondrumavadi,
Azhagarkovil Road, Madurai District.

2.The Deputy Superintendent of Police,
Usilampatti Taluk, Madurai District.

3. The Inspector of Police,
Checkanoorani Police Station,
Usilampatti Taluk, Madurai District

+1CC to M/S. K.Safar Badhusha, Advocate, SR.No. 17783

+1CC to the Special Government Pleader SR.No. 17644

Order made in
W.P. (MD) .No.5064 of 2017
23.03.2017

jikr