



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2017

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WEB COPY

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

W.P.(MD) No.5374 of 2017

A.Senthilkumar

... Petitioner

-vs-

1. The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Home Department, Fort St.George,
Chennai-600 009.
2. The Director General of Police,
Tamil Nadu Police Department,
Kamarajar Salai, Mylapore,
Chennai-4.
3. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
4. The Inspector of Police,
Soolakkarai Police Station,
Soolakkarai, Virudhunagar Distrit.
5. Anthony Ammal
6. Balasundararaj
7. K.Ramasamy @ Rathinam

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the 1st respondent to issue necessary direction to the 3rd respondent to prohibit the 4th respondent in giving unnecessary harassment to the petitioner under the guise of enquiry, based on the frequent false and vexatious complaints given by the respondent nos.5 to 7 on the basis of the petitioner's representation dated 18.01.2017 made to the 1st respondent.

For Petitioner : Mr.K.Kannan

For R1 to R4 : Mr.T.S.Mohammed Mohideen,
Addl. Govt. Pleader



O R D E R

This petition has been filed, seeking to direct the 1st respondent to issue necessary direction to the 3rd respondent to prohibit the 4th respondent in giving unnecessary harassment to the petitioner under the guise of enquiry, based on the frequent false and vexatious complaints given by the respondent nos.5 to 7 on the basis of the petitioner's representation dated 18.01.2017 made to the 1st respondent.

2. Heard the learned counsel for the petitioner and learned Additional Government Pleader appearing for the respondents 1 to 4. Mr.Ramaraj, Inspector of Police, Soolakkarai Police Station is present.

3. The prayer of the petitioner cannot be considered for the simple reason that the Hon'ble Supreme Court in the case of **Lalitha Kumari vs. Govt. of U.P & others [2013 (4) Crimes 243 (SC)]**, has clearly stated that the Police can conduct preliminary enquiry and action be taken thereon and, if any complaint has been given by the respondents 5 to 7 against the petitioner, the Police are duty bound to conduct enquiry. Therefore, the mandamus as prayed for by the petitioner cannot be granted.

4. However, this Court directs the 4th respondent to conduct enquiry on the complaint given by the respondents 5 to 7. The petitioner is directed to participate in the enquiry and during enquiry, he shall not be harassed. During the course of enquiry, if any cognizable offence is made out, the respondent police is free to register an FIR and this order shall not be a shield for the petitioner against arrest.

With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To:

1. The Principal Secretary,
Government of Tamil Nadu,
Home Department, Fort St.George,
Chennai-600 009.
2. The Director General of Police,
Tamil Nadu Police Department,
Kamarajar Salai, Mylapore,



3. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

4. The Inspector of Police,
Soolakkarai Police Station,
Soolakkarai, Virudhunagar District.

+1 CC TO MR.K.KANNAN,ADVOCATE,SR NO.18564

+1 CC TO SPECIAL GOVERNMENT PLEADER SR NO.18887

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MAS/RR/SAR3:26.04.2017:3P-7C

W.P. (MD) No.5374 of 2017
28.03.2017