

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 28.03.2017**

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CORAM**THE HON'BLE MR.JUSTICE P.N.PRAKASH****W.P.(MD) No.5430 of 2017**

K.Rajas mani

... Petitioner

-vs-

1.The Superintendent of Police,
Kanyakumari District @ Nagercoil.

2.The Inspector of Police,
All Women Police Station,
Kuzhithurai, Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the 2nd respondent herein to conduct enquiry and to take appropriate action on the basis of the petitioner's representation made before the 1st respondent herein by RPAD dated 13.02.2017, which was forwarded to her.

For Petitioner : Mr.B.Brijesh Kishore

For Respondents: Mr.T.S.Mohammed Mohideen,
Addl. Govt. Pleader

***********O R D E R**

This petition has been filed, seeking to direct the 2nd respondent herein to conduct enquiry and to take appropriate action on the basis of the petitioner's representation made before the 1st respondent herein by RPAD dated 13.02.2017, which was forwarded to her.

2. Heard the learned counsel for the petitioner and learned Additional Government Pleader appearing for the respondents. Mrs.K.Neeladevi, Inspector of Police, All Women Police Station, Kuzhithurai is present.

3. It is the case of the petitioner that he had gone to Saudi Arabia for employment and has been sending monies to his wife, but she has not accounted for monies so received. The petitioner has given a complaint dated 13.02.2017 to the 1st respondent and subsequently filed the present writ petition.



4. In the considered opinion of this Court, this petition is not maintainable, as this Court, in Sugesan Transport Pvt. Ltd. represented by its Director Rajendra Sheth No.7C, Second Canal Cross Road Gandhi Nagar Adyar, Chennai 600 020 vs. The Assistant Commissioner of Police, J-2, Adyar Police Station, Adyar, Chennai 600 020 and another, reported in 2016 (2) CTC 286, has clearly held that neither writ petition nor a petition filed under 482 of Cr.P.C. for a direction to the respondent police to register an FIR is maintainable, unless the party exhausts all the alternative remedies available under the Cr.P.C.

5. However, on instructions, learned Additional Government Pleader submitted that on the complaint given by the petitioner, petition enquiry was conducted and the same was closed on 10.02.2017 and a copy of the closure report has been furnished to the learned counsel for the petitioner across the bar.

6. Recording the same, this petition is closed with liberty to the petitioner to work out his remedy in the manner known to law. No costs.

Sd/-

Assistant Registrar(Writ)

/True Copy/

Sub Assistant Registrar

To:

1.The Superintendent of Police,
Kanyakumari District @ Nagercoil.

2.The Inspector of Police,
All Women Police Station,
Kuzhithurai, Kanyakumari District.

+1cc to Spl.Government Pleader Sr.No.18849

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28.03.2017