



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

WEB COPY

W.P. (MD) No.814 of 2017

and

W.M.P. (MD) No.664 of 2017

M/s.Shar Theme Park (P) Ltd.,
Rep. by its Managing Director,
N.V.S.Anandan

: Petitioner

-Vs-

The Deputy Superintendent of Police,
District Crime Branch,
Subramaniapuram,
Tiruchirappalli-620 020.

: Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of the respondent dated 14.04.2016, in C.No.97/DCB/DSP/(Tri) 2014 and quash the same and to direct the respondent to register the petitioner's complaint dated 18.02.2016.

For Petitioner : Mr.G.Jeremiah

For Respondent : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader

ORDER

When the matter was taken up for hearing, Mr.Sekaran, Special Sub-Inspector of Police, District Crime Branch, is present in Court today. On instructions, the learned Additional Government Pleader submitted that the petitioner gave a complaint dated 18.02.2016 to the respondent, in which, a petition enquiry was conducted and the same was closed by the Deputy Superintendent of Police on 14.04.2016. When the petitioner filed CrI.O.P.(MD) No.6815 of 2016, for a direction to the respondent police to register a case on his complaint dated 18.02.2016, this Court passed the following order on 26.04.2016:

"3. It is seen that this petitioner had given a complaint dated 18.02.2016, petition enquiry was conducted and the same has been closed on 14.04.2016. A copy of the closure report is served to the learned



counsel for the petitioner across the bar.

4. In view of the above, this petition is closed with liberty to the petitioner to work out his remedy in the manner known to law."

2. Now, this Writ Petition has been filed for a Writ of Certiorarified Mandamus, to quash the closure report.

3. In the considered opinion of this Court, a Writ of Certiorarified Mandamus cannot be maintained, 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**. If the petitioner is not satisfied with the enquiry, it is always open to him to file a private complaint against the accused person. Hence, this Writ Petition is closed with liberty to the petitioner to work out his remedies in the manner known to law. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(Co)

/True copy/

Sub Assistant Registrar

To

The Deputy Superintendent of Police,
District Crime Branch,
Subramaniapuram,
Tiruchirappalli-620 020.

+1 cc to Mr.J.John , Advocate in SR.No. 16079
+1 cc to Special Government Pleader in SR.No.16218

SML

AE/SV MMS/SAR3/05.04.2017/2P/4C

Order made in
W.P. (MD) No.814 of 2017
Dated: 20.03.2017