

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.09.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 579 of 2019

P.R.Krishna das

..Petitioner

Vs

1. The Director General of Police,
Kamarajar Salai,
Chennai - 600 004.

2. The Assistant Director General of Police,
North Zone,
St.Thomas Mount,
Chennai - 600 106.

3. Superintendent of Police,
Kancheepuram District,
Kancheepuram - 631 501.

4. Mr.Bhaskar
Inspector of Police
H-1, Otteri Police Station,
Mannivakkam
Kanchipuram.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ order or direction in the nature of writ of Mandamus, directing the respondent to consider and decide the representation of the petitioner dated 31.10.2018 on merits and in accordance with law within a reasonable time as may be determined by this Court.

For Petitioner : Mr.D.A.Senthamani

For Respondent : Mrs.R.Janaki,
Additional Government Pleader.

O R D E R

The prayer sought for in this Writ Petition is for issuance of a Writ of Mandamus, directing the respondents to consider and decide the representation of the petitioner dated 31.10.2018 on merits and in accordance with law within a reasonable time as may be determined by this Court.

2. The learned counsel for the petitioner would submit that the petitioner gave a complaint in H-1 Otteri Police Station to surrender his house keys and belongings on 16.11.2017. The petitioner gave a detailed representation on 27.11.2017 before the Kanchipuram Superintendent of Police and also to the Inspector of Police H-1 Otteri Police station. On 15.12.2017, this Court has directed to register his complaint. On 23.01.2018, the petitioner furnished the order copy in CrI.O.P.No. 27299 of 2017 and complaint to Sub Inspector of Police Mr.Balachander. On 20.05.2018, Hariharan came to his vandalur house and abused the petitioner and threatened him that he would stab and kill him. Thereafter on 14.06.2018 the petitioner visited the Superintendent of Police Mr.Santhosh Adhimani in person and requested to take action to his complaint. On 10.08.2018, Cont.P.No. 1687 of 2018 came before this Court and thereafter, the petitioner gave a representation on 30.10.2018 to respondents 1 to 3 to take disciplinary action. But till date no action has taken against the 4th respondent. Hence the present writ petition is filed.

3. The learned counsel for the petitioner would further submit that the petitioner made a complaint before respondents 1 to 3. However, respondents 1 to 3 has taken side in favour of the accused person/4th respondent, for which the petitioner made a representation to the Director General of Police and the learned counsel for the petitioner would submit that it would be suffice to issue directions to respondents 1 to 3 to consider the representation dated 30.10.2019 and pass orders.

4. Considering the facts and circumstances of the case, if the 4th respondent has committed any crime/offence, the remedy for the petitioner is to go before the Superintendent of Police or the Commissioner of Police under Section 154(4) of the Cr.P.C. Even thereafter, if no action is taken, the remedy available to the petitioner is to file a complaint before the appropriate Court against the 4th respondent without exhausting the said remedy, filing of the writ petition is not maintainable.

5. Accordingly, the present writ petition stands dismissed.
No costs.

Sd/-
Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

kmm

To

1. The Director General of Police,
Kamarajar Salai,
Chennai - 600 004.

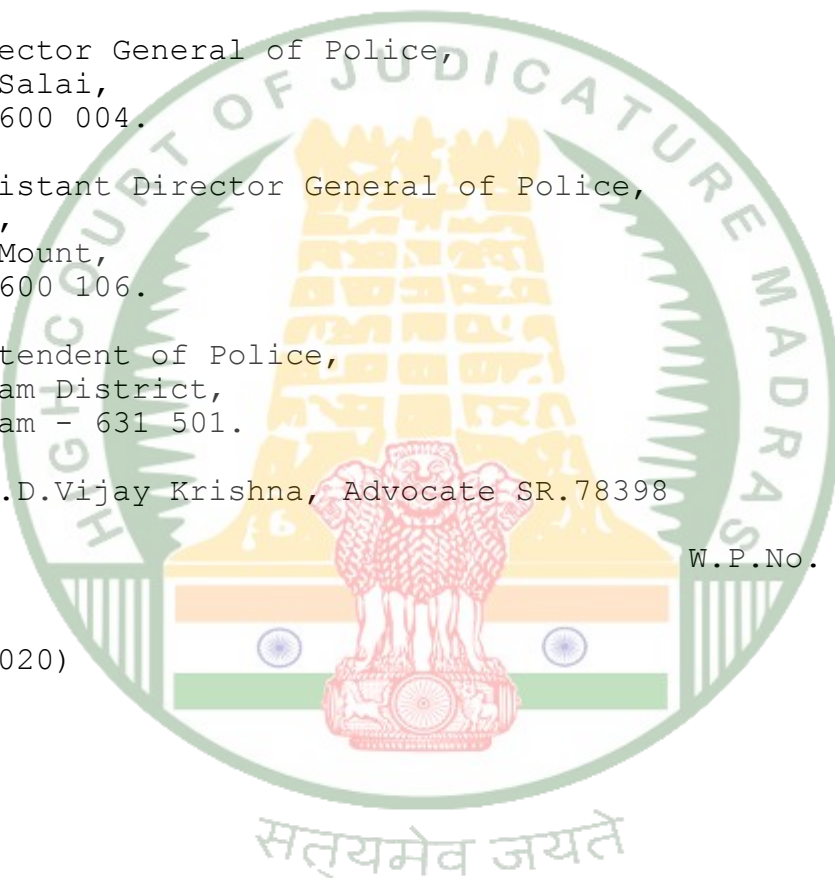
2. The Assistant Director General of Police,
North Zone,
St.Thomas Mount,
Chennai - 600 106.

3. Superintendent of Police,
Kancheepuram District,
Kancheepuram - 631 501.

+1cc to Mr.D.Vijay Krishna, Advocate SR.78398

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BS (CO)
CB(21/01/2020)



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