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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2019

CORAM

THE HONOURABLE DR. JUSTICE VINEET KOTHARI

AND

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

WA.No.2342/2019 & CMP.No.15460/2019

M.Chezhieyan .. Appellant/Petitioner

Vs

1.The Inspector General of Police
Chennai.

2.The Director General of Police
Chennai.

3.The Commissioner of Police
Chennai.

4.The Assistant Commissioner of Police
Anna Nagar, Chennai.

5.The Inspector of Police
Anna Nagar, Chennai.

.. Respondents/Respondents

Prayer in the writ appeal: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 15.02.2019 in WP.No.8072/2016.

Praying to issue a Writ of Mandamus directing the respondents to reinvestigate the Complaint Dated 16.7.2014 in accordance with the order dated 25.6.2015 in CrI MP NO.946 of 2015 on the file of Chief Metropolitan Magistrate Chennai and register FIR.

For Appellant : Mr.R.Rajarajan

For RR 1 to 5 : Mr.R.Udhayakumar, AGP



JUDGMENT

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[Judgment of the Court was delivered by C.V.KARTHIKEYAN, J.]

The appellant is the writ petitioner who had filed the writ petition in the nature of a mandamus seeking a direction against the respondents to investigate his complaint dated 16.07.2014 in accordance with the order dated 25.06.2015 CrI.MP.No.946/2015 on the file of the learned Chief Metropolitan Magistrate, Chennai.

2 The appellant/writ petitioner appears to have a long standing dispute and grievance. He is a party/litigant in several suits, viz., CS.No.576/2000, CS.No.620/2000 and CS.No.1309/1988, all on the Original Side, High Court, Madras. He had filed a petition in CrI.MP.No.946/2015 u/s.156[3] Cr.P.C., seeking investigation and registration of his complaint to take action against the plaintiff in CS.No.1309/1988 and the learned Chief Metropolitan Magistrate appears to have given necessary direction to the respondents to enquire and register a FIR in accordance with law. The respondents had filed a Report stating that no case was made out. A Protest Petition was filed by the writ petitioner/appellant and once again, a direction was issued to the respondents. The respondents filed another Report after due investigation stating once again that no case is made out. Without taking recourse to the normal procedure as availed in Criminal Procedural Law, the appellant/writ petitioner appears to have filed a writ petition in the nature of a mandamus. The learned Single Judge had opined that since a Report had been filed on the basis of the findings of the Civil Court on 02.09.2016, the writ petition had become infructuous.

3 The learned counsel for the appellant/writ petitioner urged that he must be given at least a copy of the Report of the respondents.

4 It is open to the appellant/writ petitioner to approach the necessary authorities/Court to obtain certified copies and this Court cannot issue necessary direction in that regard. We also hold that the writ petition is indeed infructuous and consequently that the writ appeal is devoid of merits and that it is liable to be dismissed.



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5 Accordingly, the writ appeals stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

AP
To

1.The Inspector General of Police,
Chennai.

2.The Director General of Police,
Chennai.

3.The Commissioner of Police,
Chennai.

4.The Assistant Commissioner of Police,
Anna Nagar, Chennai.

5.The Inspector of Police,
Anna Nagar, Chennai.

6.The Public Prosecutor,
High Court, Chennai.

+1 cc to the Government Pleader sr.63839

+1cc to Mr.R.Rajarajan, Advocate Sr.63665

WA.No.2342/2019

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srg 28/08/2019