

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2019

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.21210 of 2017
W.M.P.No.22110 of 2017

1. Papathi Ammal
2. Neelakandan
3. Thirugnanamoorthy
4. Devatha
5. Parvathy
6. Veeramoorthy
7. Shanmugam

Petitioners 1 to 7 represented
by their Special Power of Attorney
Ramaravindra Kumar.

... Petitioners

Vs.

- 1.The State of Tamilnadu,
Rep by its Home Secretary,
Fort St. George, Chennai-9.
- 2.The Commissioner of Police,
Vepery, Chennai - 600 007.
- 3.The Inspector of Police (Crime),
Thiruverkadu Police Station,
Thiruverkadu.
- 4.The Inspector of Police (Law & Order),
Thiruverkadu Police Sation,
Thiruverkadu.
5. Madurai Muthu
6. Arava Mudhu
7. Saravanan
8. Parisa Muthu
9. Punithavalli.

(Cause title amended as per
the order dated 13.10.2017
made in W.M.P.No.24299 of 2017
in W.P.No21210 of 2017 by MSRJ)

.. Respondents

Prayer : This petition is filed under Article 226 of Constitution of India to issue a Writ of Mandamus to direct the second respondent to take action on the petitioners' representation dated 10.04.2017.

For Petitioner : Mr. Manoj Sreevalsan

For Respondents

For R1 to R4: Mr.M.Mohamed Riyaz

Additional Public Prosecutor.

For R5 to R9 : Mr.M.Udhayakumar

ORDER

This Writ Petition has been filed for a Writ of Mandamus to direct the second respondent to take action on the petitioner's representation dated 10.04.2017.

2. It is seen from the records that on the complaint lodged by the petitioner, FIR has been registered in Crime No.1804 of 2016 for the offences under Section 143, 147, 148, 447 of IPC and Section 3 of Tamilnadu Public Property (Prevention of Damage & Loss) Act, 1992 as against the respondents 5 to 9. Thereafter, the Inspector of Police viz., the fourth respondent completed the investigation and closed the said FIR as "Mistake of Fact" by closure report dated 17.03.2017. As against the closure report, the petitioner filed a protest petition in CrI.M.P.No.2137 of 2017 in Crime No.1804 of 2016 before the learned Judicial Magistrate No.II, Poonamallee and the same is still pending. While being so, the petitioner sent a representation dated 10.04.2017, to the Commissioner of Police, viz., the second respondent herein seeking direction to reopen the case in Crime No.1804 of 2016, on the file of the fourth respondent.

3. Considering the above facts and circumstances of the case, the prayer sought for in the representation dated 10.04.2017, cannot be considered and this writ petition devoid of merits. Therefore, this Court is not inclined to entertain this petition.

4. Accordingly, this Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rts

To

1.The Home Secretary,
State of Tamilnadu,
Fort St. George, Chennai-9.

2.The Commissioner of Police,
Vepery, Chennai - 600 007.

3.The Inspector of Police (Crime),
Thiruverkadu Police Station,
Thiruverkadu.

4.The Inspector of Police (Law & Order),
Thiruverkadu Police Sation,
Thiruverkadu.

5. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.Manoj Sreevalsan, Advocate, S.R.No.25528

+2ccs to Mr.M.Udhaya Kumar, Advocate, S.R.No.25277

W.P.No.21210 of 2017
W.M.P.No.22110 of 2017

PA(CO)

RRS (22/04/2019)



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