



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.04.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE N.SESHASAYEE**W.P. (MD) No.10155 of 2019**

S.Vishwanathan

... Petitioner

Vs.

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

2.The Inspector of Police,
District Crime Branch,
Nagercoil,
Kanyakumari District.

3.R.Antony Benitto

4.M.Balu

5.Sudha

6.M.Sudhakar

7.K.Muthuramalingam

8.S.Ramakrishnan

9.Sivakami

10.V.Sathaiyan

11.S.Chandra

12.Murugan

13.Revathy

14.Ponganesh Kumar

15.M.Selvan

16.R.Subramaniam

17.Sivaraman

18.R.Vairamuthu

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the 1st and 2nd respondents to conduct enquiry on the basis of the petitioner's representation dated 15.04.2019 and to take appropriate action against the respondents No.3 to 18.

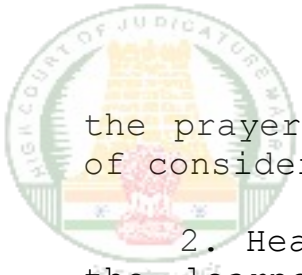
For Petitioner : Mr.L.George Paul Anto

For Respondents : Mrs.S.Bharathi

Government Advocate for RR-1 and 2

ORDER

This writ petition in essence seeks a prayer for registering a case in terms of an earlier complaint given by the petitioner and



the prayer is conveniently couched as one for seeking the relief of considering the representation of the petitioner.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. side) appearing for the respondents.

3.A Division Bench of this Court in the case of **G.Prabakaran vs. The Superintendent of Police, Thanjavur District and another** reported in [2018-2-L.W.Crl.489], has already decided that before approaching the Court for registering the first information report, the petitioner needs to exhaust the statutory provisions embodied in the Criminal Procedure Code.

4.The present case is appears to be an attempt to get circumvent the said dictum of the Division Bench. What is not achievable directly, cannot also be achieved indirectly. Hence, the petitioner is now well advised to resort to the statutory remedies provided in the Code and as has been declared by the Division Bench in the authority cited supra.

5.With the above direction, this writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (ADI)

// True Copy //

Sub Assistant Registrar (CS)

To

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

2.The Inspector of Police,
District Crime Branch,
Nagercoil,
Kanyakumari District.

+1 CC to M/s.L.GEORGE PAUL ANTO, Advocate (SR-62969[F] dated
26/04/2019)

VS

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