



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2019

CORAM

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.(MD)No.10548 of 2019

WEB COPY

C.Saravanan

... Petitioner

Vs.

1. The Superintendent of Police,
Tirunelveli.

2. The Inspector of Police,
District Crime Branch,
Tirunelveli.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the second respondent to proceed with the enquiry upon the complaint of the petitioner dated 25.03.2019 as per the summons issued to the petitioner dated 28.03.2019 within the stipulated time to be fixed by this Court.

For Petitioner : Mr.N.Sankar Ganes

For Respondents : Mrs.S.Bharathi

Government Advocate (Criminal side)

ORDER

This writ petition has been filed to direct the second respondent to proceed with the enquiry upon the complaint of the petitioner dated 25.03.2019 as per the summons issued to the petitioner dated 28.03.2019 within a time frame.

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

3. The petitioner seeks a direction from this Court to the second respondent that he shall not force the petitioner to withdraw the complaint that he has preferred before him, which is now pending consideration.

4. The learned counsel for the petitioner fairly submitted that if no case is registered, then he can take a legal recourse by invoking Section 482 of Cr.P.C., to have the case registered. But however, in the instant case, the second respondent is insisting the petitioner to withdraw the complaint.

5. The learned Government Advocate (Criminal side) submitted that no police official has any right to insist anybody, who approaches them for their grievance, to withdraw the complaint.



6. Considering the submissions made by either side, the second respondent, the Inspector of Police, District Crime Branch, Tirunelveli, is directed to enquire the complaint of the petitioner dated 25.03.2019 and act lawfully. The first respondent, the Superintendent of Police, Tirunelveli, is directed to monitor the same.

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7. With the above direction, this Writ Petition is disposed of. No Costs.

sd/
Assistant Registrar(crl.side)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Tirunelveli.
2. The Inspector of Police,
District Crime Branch,
Tirunelveli.

+1 CC to Mr.N.SHANKAR GANESH, Advocate (SR-63472[F] dated 27/04/2019)

+1 CC to Mr.R.G.SHANKAR GANESH, Advocate (SR-64427[F] dated 30/04/2019)

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27.04.2019

pjl

MK (12.06.2019) 2P 5C