



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2019

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THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P. (MD) No.10910 of 2019

I.Jaikumar

... Petitioner

Vs.

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

2.The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the second respondent to conduct preliminary enquiry on the petitioner's complaint dated 08.03.2019 and to take necessary further action in accordance with law within a period stipulated by this Court.

For Petitioner : Ms.P.Yasmin Begum

For Respondents : Mrs.S.Bharathi,

Government Advocate (Crl.Side).

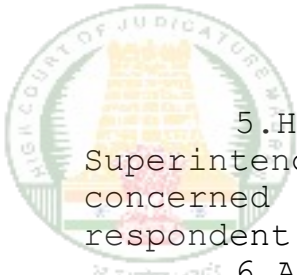
ORDER

The grievance of the petitioner is that the petitioner was cheated by somebody, whose name has not been disclosed in this petition.

2.The learned counsel appearing for the petitioner alleges that in this connection, a complaint dated 08.03.2019 has been preferred to the second respondent, but no action has been taken on the same.

3.Heard the learned Government Advocate (Crl.Side) appearing for the respondents.

4.If according to the petitioner, a cognizable offence is disclosed in his complaint and there is an inaction by the second respondent, necessarily, as per the judgment of 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]**, before approaching the Court for registering the First Information Report, the petitioner needs to exhaust the statutory means as embodied in the Criminal Procedure Code.



5.Hence, the petitioner is directed to approach the Superintendent of Police or to give a private complaint to the concerned jurisdictional Magistrate. This Court cannot direct the respondent police to register the case.

6.Accordingly, this Writ Petition is dismissed. No costs.

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Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)

To

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

2.The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari.

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