



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.04.2019

CORAM

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THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.(MD)No.11152 of 2019

P.S.Selvaraj

... Petitioner

Vs.

1.State, represented by
The Superintendent of Police,
Virudhunagar,
Virudhunagar District.

2.The Sub Inspector of Police,
Maraneri Police Station,
Maraneri,
Virudhunagar District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the second respondent herein to take appropriate action to register an FIR based on the petitioner's complaint dated 02.04.2019 within a time frame fixed by this Court and investigate the same in accordance with law.

For Petitioner : Mr.K.Gokul
For Respondents : Mrs.S.Bharathi
Government Advocate

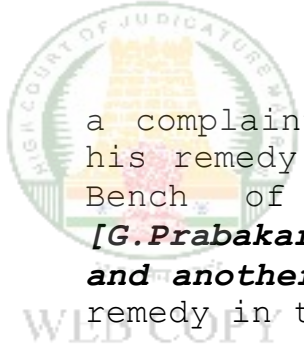
ORDER

This writ petition has been filed to direct the second respondent herein to take appropriate action to register an FIR based on the petitioner's complaint dated 02.04.2019 within a time frame fixed by this Court and investigate the same in accordance with law.

2. Heard the learned Counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. The learned counsel appearing for the petitioner submitted that the petitioner has preferred a complaint with the second respondent police, but he is not taking any action on his complaint.

4. Considering the above said statement of the learned counsel appearing for the petitioner, this Court holds that if the petitioner is aggrieved by any inaction on the part of the police on



a complaint disclosing the commission of cognizable offence, then his remedy lies elsewhere in terms of the judgment of the Division Bench of this Court reported in 2018-2-L.W.(Crl.) 489 - **[G.Prabakaran vs. The Superintendent of Police, Thanjavur District and another]**. Therefore, the petitioner is directed to work out his remedy in terms of the above said judgment.

5. The learned Additional Public Prosecutor submitted that the respondent police have neither harassed the petitioner nor intended to harass him.

6. The statement of the learned Government Advocate is recorded. If at all the respondent police requires presence of the petitioner for any preliminary interrogation / enquiry, he shall issue summons under Section 41 A Cr.P.C., mentioning a specific date and time for enquiry and also giving reasonable time for him to travel to the venue of such enquiry. The petitioner is also directed to co-operate with the enquiry. During enquiry, there shall not be harassment to the petitioner. Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Superintendent of Police,
Virudhunagar,
Virudhunagar District.

2.The Sub Inspector of Police,
Maraneri Police Station,
Maraneri,
Virudhunagar District.

Copy to:

The Government Advocate (Crl.Side),
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.GOKUL, Advocate (SR-64487[F] dated 30/04/2019)

W.P. (MD) No.11152 of 2019
30.04.2019

CS: (11/06/2019) 2P 5C