



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P. (MD) No.5645 of 2019

M.Dhanakumar

... Petitioner

/Vs./

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

2.The Inspector of Police (L and O),
Somarasampettai Police Station,
Trichy District.

3.Ilaman Sekar

4.Vivekanandan

5.Sundaralingam

... Respondents

Prayer: Writ Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to conduct enquiry on the basis of the petitioner's representation dated 05.01.2019, to take appropriate action against the respondent Nos.3 to 5.

For Petitioner : Mr.E.Chokkalingam

For R-1 & R-2 : Mrs.S.Bharathi

Government Advocate (Crl. Side)

ORDER

This writ petition has been filed to direct the respondents 1 and 2 to take action on the basis of the petitioner's representation dated 05.01.2019 against the respondent Nos.3 to 5.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. side) appearing for the respondents 1 and 2.

3. The representation made by the petitioner dated 05.01.2019 forms part of the typed set of papers. It discloses that on 26.12.2018 at around 11.00 a.m., the respondents 3 to 5 have interfered with the petitioner's agricultural activity, assaulted, and attempted to murder him. The learned counsel appearing for the petitioner submitted that the case was not registered despite the fact that the petitioner preferred a complaint on 28.12.2018



itself. Till date, no action is being complied, and hence, he has preferred a representation to the second respondent. On 05.01.2019.

4.The learned Government Advocate (crl. side) appearing for the respondents 1 and 2 submitted that the complaint preferred by the petitioner is concerned, the complaint is now pending enquiry.

5.If the allegations made in the representation were to be traced, then, it disclosed commission of some serious crime. It is amazing why the respondent Police had only chosen to enquire the complaint rather than proceed on the complaint as per the law. In page no.2 of his representation as it is available in the typed set of papers, the allegation is that a complaint was obtained by the Sub Inspector of Police on 28.12.2018 when the petitioner was taking treatment in the Hospital for injuries, he had suffered in the assault, he complains of. Why does not this prima facie indicate that there might have occurred a crime, which deserves to be investigated in the manner as per law?

6.Therefore, even though the nature of prayer sought is a limited one, this Court enlarges the same and now directs the first respondent to change the Investigating officer to enquire on the complaint dated 28.12.2018 and proceed as per law.

7.In view of the above direction, the present prayer has become redundant. The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar (CS)

Tsg

To

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

2.The Inspector of Police (L & O),
Vikramasingapuram Police Station,
Tirunelveli District.

+1CC TO MR.N.R.MURUGESAN, Advocate Sr. No. 53188

Order made in
W.P. (MD) No.5645 of 2019
11.03.2019