



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.04.2019

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WEB COPY

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P. (MD) No.7592 of 2019

P.Renganathan

... Petitioner

Vs.

1.The Principal Secretary,
Home Department, St.George Fort,
Chennai-600 009.

2.The Superintendant of Police,
Thanjavur District, Thanjavur.

3.The Deputy Superintendant of Police,
Thanjavur District, Thanjavur.

4.The Inspector of Police (Incharge),
D3 Naducavery Police Station,
Thirukattupalli Road, Thiruvaiyaru Taluk,
Thanjavur District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondent Nos.1 to 3 to initiate appropriate and necessary actions against the fourth respondent in the light of the declaration of the Hon'ble Apex Court in Lalitha Kumari Vs. State of Uttarpradesh and other W.P.(Criminal).No.68 of 2008 dated 12.11.2013, by considering the representation dated 12.12.2018.

For Petitioner : Mr.M.Saravanan

For Respondents : Mrs.S.Bharathi

Government Advocate (crl. side)

ORDER

The present petition is filed to direct the respondent Nos.1 to 3 to initiate appropriate and necessary action against the fourth respondent in the light of the declaration of the Hon'ble Apex Court in Lalitha Kumari Vs. State of Uttarpradesh and other W.P.(Criminal).No.68 of 2008, dated 12.11.2013, by considering his representation dated 12.12.2018.

2.A Division Bench of this Court reported in **G.Prabakaran Vs. The Superintendent of Police, Thanjavur District and another-[2018-2-L.W. (crl.) 489]**, has already decided that before approaching the Court for registering an First Information Report, the petitioner



needs to exhaust the statutory options available in the Criminal Procedure Code.

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

4.In view of the above, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)

tsg

To

- 1.The Principal Secretary,
Home Department, St.George Fort,
Chennai-600 009.
- 2.The Superintendant of Police,
Thanjavur District, Thanjavur.
- 3.The Deputy Superintendant of Police,
Thanjavur District, Thanjavur.
- 4.The Inspector of Police (Incharge),
D3 Naducavery Police Station,
Thirukattupalli Road, Thiruvaiyaru Taluk,
Thanjavur District.

+1CC TO MR.M.SARAVANAN, Advocate Sr. No. 58761

W.P. (MD) No. 7592 of 2019
02.04.2019

SCR(CO)

TR (06.05.2019) 3P 6C