



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.04.2019

CORAM

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P. (MD) No.7805 of 2019

WEB COPY

P.M.Raja

... Petitioner

Vs.

1.The Commissioner of Police,
Tirunelveli City.

2.The Inspector of Police,
Melapalayam Police Station,
Tirunelveli City.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus by directing the second respondent to consider the petitioner's complaint dated 11.02.2019 and dispose of the same by holding an investigation in accordance with law as expeditiously as possible within the time stipulation as prescribed by this Court.

For Petitioner : Mr.R.Anand

For Respondents : Mrs.S.Bharathi

Government Advocate (crl. side)

ORDER

The present petition is filed to direct the second respondent to consider the petitioner's complaint dated 11.02.2019 and dispose of the same by holding an investigation in accordance with law as expeditiously as possible within the time stipulation as prescribed by this Court.

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

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/TRUE COPY/

Sub Assistant Registrar (CS)

To,

1. The Commissioner of Police,
Tirunelveli City.

2. The Inspector of Police,
Melapalayam Police Station, Tirunelveli City.

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

+1 CC to M/s.R.ANAND, Advocate (SR-59091[F] dated 04/04/2019)

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SP/02/05/2019/2P/5C