



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.04.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P. (MD) No.8675 of 2019

WEB COPY

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... Petitioner

-Vs-

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

2.The Inspector of Police, All Women Police Station,
Manamadurai, Sivagangai District.

3.Arulraj @ Kaliraj

4.Kannan

5.Angela Mary

6.Christina Rajathi

... Respondents

Prayer: Writ petition - filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent Nos.1 and 2 to conduct enquiry on the basis of the petitioner's representation dated 21.03.2019, to take appropriate action against the respondent Nos.3 to 6.

For Petitioner : Mr.A.Joel Paul Antony
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 21.03.2019 against the respondent Nos.3 to 6.

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

3.Though the petitioner has made a representation on 21.03.2019 to the second respondent and the same was received by the second respondent and he has also issued C.S.R.No.65/2019, dated 21.03.2019, he did not take any action thereafter.

4.Perusal of the representation, dated 21.03.2019 shows that there was a matrimonial dispute between the petitioner and the third respondent and creating bogus records, the third respondent registered his second marriage and cheated the petitioner, for which, the petitioner has given a complaint to the respondents 1 and 2 enclosing all the documents. Since the respondent police did not



take any action against them, the petitioner has filed the present Writ Petition.

5. Already, there is an alternative remedy available under Section 154(3) Cr.P.C., by which, any person aggrieved by a refusal on the part of an officer in-charge of a police station to record the information referred to in sub-section (1) may send the substance of such information, in writing and by post, to the Superintendent of Police concerned who, if satisfied that such information discloses the commission of a cognizable offence, shall either investigate the case himself or direct an investigation to be made by any police officer subordinate to him, in the manner provided by this Code, and such officer shall have all the powers of an officer in-charge of the police station in relation to that offence. However, it seems that the representation was sent to the Superintendent of Police as well as the Station House Officer. Even if the Superintendent of Police has not taken any action, the remedy available to the petitioner is under Section 156(3) Cr.P.C. Without invoking the said remedy, the petitioner has filed the present Writ Petition for the relief stated supra. Therefore, the Writ Petition is devoid of merits and the same is liable to be dismissed.

6. Accordingly, this Writ Petition is dismissed giving liberty to the petitioner to approach the appropriate authority. No costs.

Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar(CS)

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To

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

2. The Inspector of Police,
All Women Police Station,
Manamadurai, Sivagangai District.

+1 CC to M/s.A.JOEL PAUL ANTONY, Advocate SR-60426.

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