



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.06.2020

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHANW.P. (MD) No. 6384 of 2020

V. Pachamal

... Petitioner

Vs.

1. The Superintendent of Police,
Ramanathapuram District.
2. The Deputy Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.
3. The Inspector of Police,
District Crime Branch,
Ramanathapuram,
Ramanathapuram District.
4. M. Vilvadarai,
S/o. Muniyasamy Thevar,
S. Velangulam,
Presently working as
Sub Inspector of Police,
Sayalkudi,
Ramanathapuram District.

... Respondents

Prayer: Writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct respondents 1 to 3 to conduct proper enquiry and take appropriate action against the fourth respondent on the basis of the representations dated 04.11.2019 and 27.01.2020 in accordance with law within a stipulated time.

For Petitioner

: Mr. C. Senthil Murugan

For R-1 to R-3

: Mr. A. Robinson,

Government Advocate (Crl. Side).

ORDER

The petitioner alleges that he was having a commercial relationship with the fourth respondent herein. The petitioner has enclosed certain materials in the typed set of papers which prima facie indicates the existence of some kind of business relationship between him and the fourth respondent.

2. According to the petitioner, the fourth respondent is presently working as Sub Inspector of Police, Sayalkudi, Ramanathapuram District. The petitioner has given a complaint against the fourth respondent. He wants this Court to direct his superior authorities to enquire into the said representation.

3. Heard the learned counsel appearing for the petitioner who reiterated all the contentions set out in the affidavit filed in



support of this writ petition.

4. The core grievance of the petitioner is that he has been cheated by the fourth respondent and that therefore, action should be taken against him. If disciplinary action is what is contemplated by the petitioner herein, I am not in a position to grant such relief. It is open to the disciplinary authority concerned to take whatsoever action he deems fit against the subordinate. If registering the First Information Report is what is contemplated by the petitioner herein, he has the remedy to move the jurisdictional Magistrate Court. He cannot straightaway invoke the inherent powers of this Court. In any event filing of writ petition under Article 226 of the Constitution of India is rather misconceived in the first instance.

5. Therefore, leaving open the rights of the petitioner and granting him liberty to pursue his rights in the manner known to law, the writ petition stands disposed of.

6. I once again observe that I have not given any negative finding against the petitioner. The petitioner's rights are left entirely open. No costs.

Sd/-

Assistant Registrar (crl.side)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

1. The Superintendent of Police,
Ramanathapuram District.
2. The Deputy Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.
3. The Inspector of Police,
District Crime Branch,
Ramanathapuram,
Ramanathapuram District.

W.P. (MD) No.6384 of 2020
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