



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.10.2020

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WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.13975 of 2020

M.Raja Rathinam

... Petitioner

Vs.

1. The District General of Police,
Office of Director General of Police,
Chennai.
2. The Superintendent of Police,
Office of the Superintendent of Police,
Virudhunagar District.
3. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Rajapalayam,
Virudhunagar District.
4. The Inspector of Police,
Seithur Rural Police Station,
Krishnapuram, Virudhunagar District.
5. The Sub Inspector of Police,
Seithur Rural Police Station,
Krishnapuram,
Virudhunagar District.

6. Selvam

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to take action against the sixth respondent on the basis of the representation dated 04.09.2020 submitted by the petitioner in accordance with law in the time stipulated by this Court.

For Petitioner	: Mr.R.Alagumani
For R1 to R5	: Mr.R.Srinivasan
	Government Advocate



O R D E R

Heard the learned counsel on either side.

2.The petitioner wants this Court to direct R1 and R2 to take disciplinary action against the sixth respondent.

3.The specific case of the petitioner is that the sixth respondent has altered the complaint given by him and is not discharging his duties honestly.

4.I have consistently held that it is left to the discretion of the superior to initiate disciplinary action or not. This Court will not be justified in compelling the disciplinary authority to take action against the subordinate. It is for the concerned authority to take a call in the matter.

5.The petitioner's counsel draws my attention to the contents of the typed set of papers and points out that the complaint given by him has been altered and a false complaint has been registered. If that be so, it is always open to the petitioner to lodge a private complaint presenting his version. Merely because, an FIR has been registered on the same cause of action, that does not preclude him from lodging a private complaint. If the petitioner lodges a private complaint, the learned Judicial Magistrate will adopt the procedure set out in Section 210 of Cr.P.C., and proceed further in the matter.

6.Leaving open the petitioner's rights, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To:

1. The District General of Police,
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2. The Superintendent of Police,
Office of the Superintendent of Police,
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SSS (CO)
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