

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.04.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.10464 of 2021

K.P.Chandrasekaran

... Petitioner

Versus

1.The Director General of Police
Santhome, Chennai 600 004.

2.The Additional Superintendent of Police
Head Quarters, Dindugal District,
Dindugal.

3.Mr.Senthilkumar,
Inspector of Police,
Palani Town Police Station
Palani, Dindugal District.

4.Mr.Balaguru,
Inspector of Police
Palani Town Police Station
Palani, Dindugal District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the first respondent to prosecute to respondents 2 to 4 as per law.

For Petitioner : Party-in-Person

For Respondents: Mr.M.Mohamed Riyaz for R1 & R2
Additional Public Prosecutor

ORDER

This petition has been filed to direct the first respondent to prosecute to respondents 2 to 4 as per law.

2. The petitioner has filed this Writ Petition on the ground that the respondents 2 to 4 are liable to be prosecuted under Section 166 A for not registering the case and also for not providing any information.

3. The learned counsel for the petitioner has submitted that the petition is filed before this Court since the first respondent/Director General of Police is within the jurisdiction of this Court. The learned counsel for the petitioner further submitted that the petitioner had lodged a complaint against certain persons namely, Muthulakshmi and nine other accused and CSR.No.468 of 2020 dated 31.10.2020 was assigned, but no further action was taken. Hence, the petitioner through RTI had sought information from the Commissioner of Dindugal Police Station and a reply dated 25.03.2021 was given to the effect that the party and counter parties were called for enquiry through a letter dated 29.10.2020, but it is absolutely false. The main grievance of the petitioner is that the respondents 2 to 4 have not taken any action on his complaint.

4. The learned Additional Public Prosecutor submits that he made a preliminary objection stating that the Writ Petition is not maintainable before this Court. Since the relief sought for against the respondents 2 to 4 are falls within the jurisdiction of the Madurai Bench of this Court, the Writ Petition ought to have been filed there. He further submitted that the petitioner is an Advocate and he is aware that, it is not proper to array the respondents 3 and 4 in their individual capacity. When there is no specific personal allegation against them. However, in this petition, officials have been arrayed in individual capacity. Hence, cannot be entertained, which would only demoralise the police authority and officials.

5. Since the respondents 2 to 4 are from Dindugal, the Writ Petition filed before this Court is not maintainable. Hence, without going into the merits of the case, I am inclined to dismiss this Writ Petition.

6. Accordingly, this Writ Petition is dismissed. Therefore, the petitioner is directed to work out his remedy before the Madurai Bench of this Court.

WEB COPY

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

dna

To

- 1.The Director General of Police
Santhome, Chennai 600 004.
- 2.The Additional Superintendent of Police
Head Quarters, Dindugal District,
Dindugal.
- 3.The Public Prosecutor
High Court of Madras.

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RLD(CO)
GMY(08/07/2021)



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