



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.02.2021

CORAM:

THE HONOURABLE **MRS.JUSTICE R. HEMALATHA**

W.P.(MD)No.2044 of 2021

M.Muthu Manickam

... Petitioner

Vs.

1.The Superintendent of police,
Theni District.

2.The Deputy Superintendent of police,
Anti Land Grabbing Cell,
Theni District.

3.The State rep. by
The Inspector of Police,
Anti Land Grabbing Cell,
Theni District.

4.The State rep. by
The Inspector of Police,
Chinamanoor Police Station,
Chinamanoor,
Theni District.

5.Mayilkumar

6.Kumaresan

7.Paramasivam

8.Duraisamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus directing the respondents 1 to 4 to take action against the respondents 5 to 8 on the basis of the complaint lodged by the petitioner on 23.09.2020.

For Petitioner : Mr.C.Prithviraj

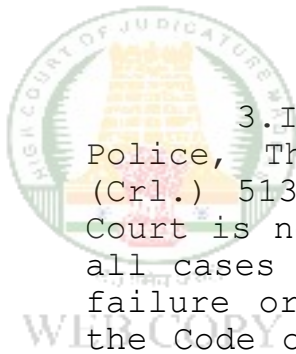
For Respondents : Mr.S.Chandrasekar

Additional Public Prosecutor

O R D E R

The present petition is filed seeking for a direction to the respondents 1 to 4 to take action against the private respondents on the basis of the complaint lodged by the petitioner.

2.Mr.S.Chandrasekar, learned Additional Public Prosecutor who accepts notice on behalf of the respondents 1 to 4, on instructions, would contend that the private respondents lodged a complaint against the petitioner and as a sequel to the said complaint, the present petitioner submitted a complaint with the third respondent.



3. In the decision in G.Prabakaran Vs. Superintendent of Police, Thanjavur District and another reported in 2018 (4) MLJ (Crl.) 513, a Division Bench of this Court has held that the High Court is not bound to direct the police to register the complaint in all cases and it is further held that normal course of remedy on a failure or refusal to record the information is Section 156(3) of the Code of Criminal Procedure after due compliance of Section 154 (3) of the Code of Criminal Procedure and that no petition shall be entertained without exhausting the remedy under Section 154(3) of the Code of Criminal Procedure.

4. Admittedly, in the instance case, the petitioner has not exhausted the remedy available to him under Section 154(3) of the Code of Criminal Procedure and 156(3) of the Code of Criminal Procedure. Therefore, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 Superintendent of police,
Theni District.
2. The Deputy Superintendent of police,
Anti Land Grabbing Cell,
Theni District.
3. The Inspector of Police,
Anti Land Grabbing Cell,
Theni District.
4. The Inspector of Police,
Chinamanoor Police Station,
Chinamanoor,
Theni District.

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SVN(CO)

KB(04.03.2021) 2P 5C

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