



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22/10/2021

CORAM:

THE HONOURABLE MR JUSTICE G.ILANGO VAN

W.P. (MD) No.11755 of 2021

WEB COPY

Vasantha Rebecca Mercy

... Petitioner

Vs.

1. The Commissioner of Police,
Tiruchirappalli City,
Subramaniyapuram,
Tiruchirappalli - 620 010.

2. The State represented by
The Inspector of Police,
Woraiyur Police Station,
Woraiyur,
Tiruchirappalli - 620 003.

3. Mallika

4. Kangeyan

5. Prakash

6. Thayagarajan

... Respondents

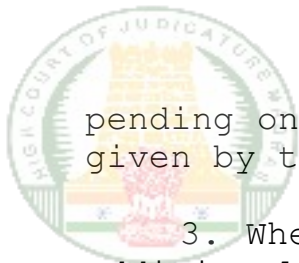
Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to pass an order or direction in the nature of writ of Mandamus, directing the second respondent to investigate and register an FIR pursuant to the complaint dated 25.06.2021 lodged by the petitioner.

For Petitioner : Mr.Shangar Murali
For R-1 & R-2 : Mr.R.M.Anbunithi,
Additional Public Prosecutor
(Crl. side)

O R D E R

This petition is filed seeking issuance of writ of mandamus to register the First Information Report on the basis of the complaint given by the petitioner on 25.06.2021.

2. Writ of mandamus could not be issued for registering the First Information Report and investigating the matter. Further, alternative remedy is also available to the defacto complainant, which is not settled preposition of law. But, the matter is kept



pending only to ascertain the stage of the complaint that has been given by the petitioner.

3. When the matter is taken up for hearing today, the learned Additional Public Prosecutor would submit that based upon the complaint given by the petitioner, enquiry has been undertaken in CSR No.400 of 2021 and during the course of enquiry, it was found that a suit in O.S.No.296 of 2021 on the file of the District Munsif, Trichirappalli, has been filed and is kept pending and the parties are advised to work out their remedy in the above said suit.

4. However, the learned counsel for the petitioner would submit that the nature of closure is not proper since *prima facie* cognizable offence is made out in the complaint and pendency of the civil suit may not be a reason for closing the complaint.

5. Whatever it may be, the complaint has been closed and therefore, the petitioner is at liberty to work out his remedy through appropriate proceedings before the appropriate forum. Nothing survives for adjudication in this petition. By giving liberty to the petitioner to work out his remedy through alternative remedy, this petition is disposed of as infructuous.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

CM

To,

1. The Commissioner of Police,
Tiruchirappalli City,
Subramaniyapuram, Tiruchirappalli - 620 010.
2. The Inspector of Police,
Woraiyur Police Station,
Woraiyur, Tiruchirappalli - 620 003.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

W.P. (MD) No.11755 of 2021

22.10.2021