



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16/08/2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P. (MD) No.14544 of 2021

WEB COPY

T.Karuppasamy

... Petitioner

Vs.

1.The Superintendent of Police,
Viruthunagar District,
Viruthunagar.

2.TheInspector of Police,
District Crime Branch,
Virudhunagar District.

3.Senthil Kumar

4.S.Balasubramanian

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the second respondent to conduct preliminary enquiry based on the petitioner's complaint dated 21.04.2021 and to take action against the respondents 3 and 4.

For Petitioner : Mr..M.Pandian
For R1 & R2 : Mr.R.M.Anbunidhi
Additional Public Prosecutor

O R D E R

This writ petitioner is filed seeking a direction to the second respondent to conduct preliminary enquiry based on the petitioner's complaint dated 21.04.2021 and to take action against the respondents 3 and 4.

2. When the matter is taken up for hearing, the learned Additional Public Prosecutor would submit that the petitioner moved a similar petition in CrI.O.P(MD)No.5272 of 2021 against the very same respondents seeking the very same prayer. That came to be dismissed on 11.03.2021.

3. According to the learned counsel for the petitioner, the petitioner has sent a representation to the District Crime Branch, Virudhunagar District. So that complaint must be enquired by the Deputy Superintendent of Police, Virudhunagar District. Being the second complaint before the District Crime Branch, Virudhunagar



District on the very same allegations, the present petition came to be filed.

4. In the order passed in W.P(MD)No.5272 of 2021, it has been clearly observed that on the basis of the judgment of the Hon'ble Supreme Court, in **Sakkiri Vasu** as referred in **M.Subramaniam and another Vs. S.Janaki and another** reported in **2020(2) Crimes (SC) 261** remedy available to the petitioner is to file proper proceedings before the concerned court. The writ of mandamus in such case will not lie. Without resorting or exhausting these remedies this petition came to be filed by making the very same allegations. Hence, the petitioner is directed to comply and follow the order passed in W.P(MD)No.5272 of 2021 for further course of action. Filing of repeated complaints and repeated writ petitions seeking the very same relief is not proper.

5. With the above observation, this writ petition is dismissed.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

CM

To,

1.The Superintendent of Police,
Viruthunagar District,
Viruthunagar.

2.TheInspector of Police,
District Crime Branch,
Virudhunagar District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

W.P. (MD) No.14544 of 2021
16.08.2021

NA(CO)

SB(25.08.2021) 2P 4C