



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2021

CORAM

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P. (MD) No.19368 of 2021

WEB COPY

M.Sivakumar

... Petitioner

Vs

1.The Superintendent of Police,
Kanyakumari District,
at Nagercoil.

2.The Inspector of Police,
Bothapandi Police Station,
Kanyakumari District.

3.Sabeela

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st respondent to consider the petitioner's complaint dated 05.10.2021 and supervise the enquiry of the 2nd respondent, within the period stipulated by this Court.

For Petitioner : Mr.H.Velavadas

For R1 & R2 : Mr.R.M.Anbunithi

Additional Public Prosecutor(Crl.Side)

ORDER

This petition is filed seeking Writ of Mandamus to consider the complaint dated 05.10.2021 for registering the case.

2.Even though Writ of Mandamus for such nature of relief will not lie, the learned Additional Public Prosecutor (Crl.side) appearing for the respondents 1 and 2 would submit that based upon the earlier complaint that has been given by the petitioner dated 04.10.2021, enquiry was undertaken in CSR.No.515 of 2021 and during the course of enquiry, finding that it is purely a civil dispute, the complaint was closed on 04.10.2021, advising the parties to approach the appropriate civil Court. A copy of the closure report has been circulated to this Court and on the next day of closure, the petitioner has given another complaint for the very same relief through online.

3.However, the learned counsel appearing for the petitioner would submit that without calling upon the petitioner for enquiry, the earlier complaint was closed.



4. Whatever it may be, such sort of contention cannot be raised in this petition. Since the complaint given by this petitioner has already been closed, he can workout his remedy appropriately through appropriate proceedings before the appropriate forum. Without resorting such remedy, giving repeated complaints and filing of the petition under Article 226 of Constitution of India may not be proper, even though the petitioner has produced photographs showing the damages of the stones.

5. With the aforesaid liberty, this petition stands disposed of as infructuous. Let the learned counsel for the petitioner get a copy of the closure report dated 04.10.2021 from the office of the learned Additional Public Prosecutor. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1. The Superintendent of Police,
Kanyakumari District,
at Nagercoil.

2. The Inspector of Police,
Bothapandi Police Station,
Kanyakumari District.

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

W.P. (MD) No. 19368 of 2021

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