



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.11.2021

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGOVAN

W.P. (MD) No.19600 of 2021

P.Sekar

.. Petitioner

Vs.

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

2.The District Superintendent of Police,
Srivilliputhur,
Virudhunagar District.

3.The Inspector of Police,
Kumapatti Police Station,
Virudhunagar District.

4.Menaksa

5.Raja

6.Pandy

7.Karuppasamy

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the 3rd respondent to conduct preliminary enquiry based on the petitioner's complaint dated 26.08.2020 and to take action against 3rd and 4th respondents.

For Petitioner : Mr.M.Pandian

For Respondents : Mr.R.M.Anbunithi for R1 to R3
Additional Public Prosecutor

ORDER

(This writ petition is heard through video conference)

This petition has been filed for issuance of Writ of Mandamus, directing the 3rd respondent to conduct preliminary enquiry based upon the order passed by the learned Judicial Magistrate No.I, Srivilliputhur.

2.By the order dated 10.12.2020, by the learned Judicial Magistrate No.I, Srivilliputhur, preliminary enquiry was ordered to be conducted and file the report on or before 07.01.2021.

3.The grievance of the petitioner is that even though after a lapse of nine months no preliminary enquiry has been conducted and report has also not been submitted before the concerned Court. If the order of the Magistrate has not been complied, the petitioner has to approach the concerned Court seeking further direction.



Without approaching the Court below, he has filed the present petition.

4.The learned Additional Public Prosecutor submitted that based upon the order passed by the Court below preliminary enquiry was conducted and the complaint has been closed on 25.12.2020. The closure report was also filed before the concerned Court. Since the closure report has been filed before the concerned Court, the petitioner has to workout his remedy only before the concerned Court.

5.The petitioner may get the copy of the closure report from the Office of the learned Additional Public Prosecutor.

6.With the above liberty, this writ petition is dismissed as infructuous.

Sd/-

Assistant Registrar (A.D.II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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,
Virudhunagar District,
Virudhunagar.

2.The District Superintendent of Police,
Srivilliputhur,
Virudhunagar District.

3.The Inspector of Police,
Kumapatti Police Station,
Virudhunagar District.

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RD(30.11.2021) 2P 4C