



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2021

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.22537 of 2021

WEB COPY

A.G.Karthik Kumar

... Petitioner

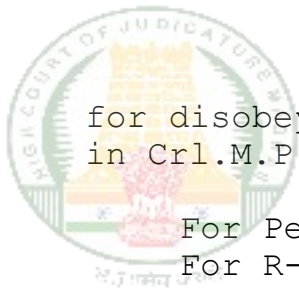
Vs.

- 1.The State of Tamil Nadu,
Rep. By its Home Secretary,
Secretary,
St.George Fort,
Chennai - 9.
- 2.The Director General of Police,
Dr.Radhakrishnan Salai,
Chennai.
- 3.The Deputy Inspector General of Police,
South Zone,
Madurai.
- 4.The Superintendent of Police,
Tenkasi District,
Tenkasi.
- 5.The Deputy Superintendent of Police,
Tenkasi,
Tenkasi District.
- 6.The Inspector of Police,
Tenkasi police station,
Tenkasi,
Tenkasi District.
- 7.Balamurugan
Inspector of Police,
Law and Order,
Tenkasi police station,
Tenkasi District.
- 8.A.Prakash
- 9.A.Rajesh
- 10.A.Dinesh

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing respondents 1 to 5 herein to take necessary action against respondents 6 and 7 herein

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for disobeying the order of the learned Judicial Magistrate, Tenkasi in CrI.M.P.No.3535 of 2021 dated 04.10.2021.

For Petitioner
For R-1 to R-6

: Mr.S.M.Anantha Murugan
: Mr.M.Sakthi Kumar,
Government Advocate.

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O R D E R

Heard the learned counsel on either side.

2. The petitioner is the complainant in Cr.M.P. No.3535 of 2021 filed before the Judicial Magistrate, Tenkasi. Direction under Section 156(3) of Cr.P.C. was issued on 04.10.2021. Though the learned Magistrate has directed that there must be a response from the sixth respondent from Tenkasi police station on or before 11.10.2021, till 15.10.2021 no action was taken. In this regard, the petitioner complained to the Superintendent of Police, Tenkasi District. Thereafter, this writ petition has been filed for directing respondents 1 to 5 to take action against respondents 6 and 7 for disobeying the petition mentioned order passed by the jurisdictional Magistrate.

3. Taking departmental action against respondents 6 and 7 is a matter that is left to the discretion of the superior officer. It is not for this Court to give any particular direction in this regard. Likewise if according to the petitioner, respondents 6 and 7 have committed contempt of the order passed by the Court below, then appropriate remedy set out in the Contempt of Courts Act must be followed. This writ petition is not maintainable.

4. This writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PMU

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.

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To:

- 1.The Home Secretary,
The Government of Tamil Nadu,
Secretary, St.George Fort,
Chennai - 9.
- 2.The Director General of Police,
Dr.Radhakrishnan Salai,
Chennai.
- 3.The Deputy Inspector General of Police,
South Zone, Madurai.
- 4.The Superintendent of Police,
Tenkasi District,
Tenkasi.
- 5.The Deputy Superintendent of Police,
Tenkasi, Tenkasi District.
- 6.The Inspector of Police,
Tenkasi police station,
Tenkasi, Tenkasi District.
7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.M.ANANTHA MURUGAN, Advocate (SR-39881[F] dated
21/12/2021)

W.P. (MD) No.22537 of 2021
20.12.2021

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