



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P. (MD)No.7936 of 2016

A.Mary

... Petitioner

versus

1. The Superintendent of Police,
Trichy District.
2. The Inspector of Police,
Musiri Police Station,
Trichy District.
3. Aranganathan
4. Arasu
5. Baskar

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to direct the first respondent to take appropriate action against the respondents 3 and 4 by initiating departmental proceedings and further by registering a case against the respondents 3 to 5 under the provisions of Criminal Procedure Code in pursuant to his complaint dated 12.04.2016.

For Petitioner : Mr.R.Maheswaran

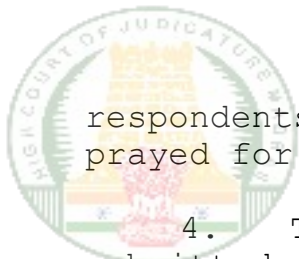
For Respondents : Mr.K.P.Narayanakumar
Special Government Pleader for R1 and R2
Mr.S.Muthukrishnan for R5

ORDER

The writ petition has been filed seeking for the issuance of writ of mandamus, to direct the first respondent to register a case against the respondents 3 to 5.

2. The case of the petitioner is that she is a retired Teacher and she is living along with her husband in Musiri. Her eldest son is living along with his family in Trichy and since her younger son has married against her will, he is living separately in Trichy. In view of the health condition of the petitioner and her husband, they went to Trichy for taking medical treatment. Taking advantage of their absence, some persons locked her house and consumed liquor in front of her house. On enquiry, it reveals that the 5th respondent colluded with the 3rd and 4th respondents tried to dispossess the petitioner's property. Hence, the petitioner made a complaint to the respondents. As there is no action, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner submitted that though the complaint was given on 12.04.2016 as against the



respondents 3 to 5, the same is not registered till date. Hence, he prayed for allowing the writ petition.

4. The learned counsel appearing for the fifth respondent submitted that the petitioner and her family members had cheated the 5th respondent, namely, Baskar and received a sum of Rs.4,00,000/- on the pretext of securing a job in foreign country. Therefore, the 5th respondent Baskar lodged a complaint. Based on the said complaint, a case was registered in Cr.No.199 of 2016 against the petitioner and her family members. Angered over the same, the present complaint has been given by the petitioner.

5. Heard both sides and perused the materials available on record.

6. It is alleged by the petitioner that the 5th respondent along with some persons locked her house and consumed liquor in front of her house and tried to dispossess her properties. Hence, she lodged a complaint with the respondents. As there was no action, the present writ petition has been filed. If the Police Officers have not proceeded with the said complaint, the petitioner can file a petition before the first respondent under Section 154(3) of Cr.P.C or avail the remedy before the Criminal Court under Sections 156(3) and 200 Cr.P.C. Without availing such remedy, the petitioner has straight away filed the present writ petition, which cannot be maintainable.

7. Accordingly, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1. The Superintendent of Police,
Trichy District.
2. The Inspector of Police,
Musiri Police Station,
Trichy District.

+1 CC to M/s.R.MAHESWARAN, Advocate (SR-14529[F] dated 30/03/2021)

+1 CC to M/s.SPL GP (SR-14814[F] dated 31/03/2021)

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30.03.2021

GS (28.04.2021) 3P 5C

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