



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2022

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.185 of 2022

K.P.Selva

... Petitioner

Vs.

1.The Superintendant of Police,
Office of the Superintendant of Police,
Thoothukudi District,
Thoothukudi.

2.The Inspector of Police,
Thalamuthunagar Police Station,
Thoothukudi,
Thoothukudi District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the 2nd respondent herein to initiate appropriate criminal action under the relevant provisions of law on the basis of the complaint dated 20.11.2021 lodged before the 1st respondent herein which has been forwarded to the 2nd respondent within the stipulated time as fixed by this Court.

For Petitioner : Mr.S.Vinayak
For Respondents : Mr.M.Sakthi Kumar,
Govt. Advocate (Crl. Side).

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondents.

2.The petitioner had given a complaint dated 20.11.2021 alleging that his wife accompanied by local police as well as two advocates broke open his house and took away valuable articles, documents and cash. It is not the case of the petitioner that the local police or the advocates took away the petitioner's articles. It appears that the petitioner's wife had taken the articles. The children born through the petitioner through his wife are presently with the wife only. The primary argument of the petitioner's counsel appears to be that his wife had taken law in her own hands



and acted in high-handed and illegal manner and that the local police and two lawyers have aided such action. According to him, the act committed by his wife *prima facie* amounts to commission of cognizable offences.

3. When the petitioner has an effective remedy to move the jurisdictional Magistrate, I am not inclined to entertain this writ petition. Leaving open the petitioner's other rights and remedies, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

ias

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 Superintendant of Police,
Office of the Superintendant of Police,
Thoothukudi District,
Thoothukudi.
2. The Inspector of Police,
Thalamuthunagar Police Station,
Thoothukudi,
Thoothukudi District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.VINAYAK, Advocate (SR-707[F] dated 07/01/2022)

W.P(MD)No.185 of 2022

06.01.2022

MGJ(24.01.2022) 2P 5C