



W.P.(MD)No.449 of 2012

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2022

CORAM

THE HONOURABLE MR. JUSTICE K.MURALI SHANKAR

W.P (MD).No.449 of 2012

Mohamed Nainar

... Petitioner

vs.

- 1.State represented by its,
Home Secretary,
Secretariat,
Fort St.George, Chennai.
- 2.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
- 3.The Superintendent of Police,
CBCID,
Madurai.
- 4.Thiruppathi
The Inspector of Police,
Tenkasi Police Station,
Tenkasi, Tirunelveli District.
- 5.Perumal
Head Constable,
Tenkasi Police Station,
Tenkasi, Tirunelveli District.
- 6.Salavudeen

... Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus, directing the third respondent to register a case against the respondents 4 to 6 and after investigation to file the final report within the time frame fixed by this Court and consequently direct the first respondent to provide adequate compensation to the petitioner for the illegal act of the respondents 4 and 5.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.K.Sanjai Gandhi
Government Advocate (Crl. Side) for R1 to R3
Mr.R.L.Dilipan Pandian for R4
No appearance for R5

ORDER

This Writ Petition has been filed seeking a Writ of Mandamus, directing the third respondent to register a case against the respondents 4 to 6 and after investigation to file the final report within a time frame fixed by this Court and consequently direct the first respondent to provide adequate compensation to the petitioner for the illegal act of the respondents 4 and 5.

2. When the matter was taken up for hearing on 18.08.2022, considering the submissions made by the learned counsel for the petitioner and the fourth respondent that the writ petitioner has already filed a private complaint in



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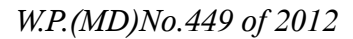
C.C.No.159 of 2015 and the same is pending on the file of the Court of the Judicial Magistrate, Tenkasi, and at request of the learned counsel for the writ petitioner, the matter was posted on 29.08.2022 today.

3. When the matter is taken up for hearing today, the learned counsel for the writ petitioner would submit that he is not having any instructions.

4. The learned counsel for the fourth respondent has produced the copies of the summons received by the respondents 5 and 6 in connection with C.C.No.159 of 2015 pending on the file of the learned Judicial Magistrate, Tenkasi.

5. Moreover, as rightly contended by the learned counsel for the fourth respondent and the learned Government Advocate (Criminal Side), the very prayer for registration of FIR is not maintainable as held by this Court in ***G.Prabakaran vs. The Superintendent of Police, Thanjavur***, reported in ***(2018) 2 LW (Crl.) 489***.

6. Moreover, regarding the prayer for compensation, the learned counsel for the fourth respondent would submit that they have already filed a petition before



7. Considering the above, nothing survives for further adjudication in the present case.

8. Recording the submission made on either sides, this Writ Petition is dismissed as infructuous. No cost.

29.08.2022

Internet : Yes
Index : Yes/No
csm



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To

- 1.The Home Secretary,
Secretariat,
Fort St.George, Chennai.
- 2.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
- 3.The Superintendent of Police,
CBCID,
Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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W.P.(MD)No.449 of 2012

K.MURALI SHANKAR, J.

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