



W.P(MD)No.13526 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2022

CORAM :

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P(MD)No.13526 of 2022

Antony Xavier Vincent

...Petitioner

Vs.

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

2.The Inspector of Police,
Panagudi Police Station,
Panagudi,
Tirunelveli District.

3.Micheal Rajan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to register a case as against the third respondent in pursuance of the petitioner's Medical memo dated 17.03.2022 as issued by the Medical Officer, Radhapuram Hospital, Radhapuram, Tirunelveli



W.P(MD)No.13526 of 2022

District to them for the offence as prima facie made out in his Medical Memo forthwith.

For Petitioner : Mr.Palani Velayutham
For Respondents : Mr.M.Sakthi Kumar
1 and 2 Government Advocate (crl.side)

ORDER

This writ petitioner filed this Writ Petition seeking for issuance of a Writ of Mandamus directing the second respondent to register a case as against the third respondent in pursuance of the petitioner's Medical memo dated 17.03.2022 as issued by the Medical Officer, Radhapuram Hospital, Radhapuram, Tirunelveli District to them for the offence as prima facie made out in his Medical Memo forthwith.

2.Mr.M.Sakthi Kumar, learned Government Advocate (Criminal Side) takes notice for the respondents 1 and 2. By consent, this writ petition is taken up for final disposal at the admission stage itself.



W.P(MD)No.13526 of 2022

3.The learned counsel appearing for the petitioner submitted that the petitioner and his son sustained injuries for the accident and gave complaint to the second respondent on 17.03.2022 and thereafter, the second respondent Police has not taken any action. Thereafter, he came to know that the third respondent has given a complaint against the petitioner and the same registered in Crime No.166 of 2022 on 27.04.2022 for the offence under Sections 341, 294(b), 323 and 506(ii) of IPC @ 341, 294(b), 325 and 506(ii) of IPC. Based on the complaint given by the petitioner and after receiving the medical memo, the second respondent police has issued C.S.R.No.235 of 2022. Since no action has been taken, the present writ petition has been filed.

4.The learned Government Advocate (criminal side) appearing for the respondents Police 1 and 2 submitted that based on the complaint given by the petitioner and the third respondent, the respondent police has given C.S.R.Nos.234 and 235 of 2022. Based on the complaint given by the third respondent, the second respondent Police has registered a case against the petitioner in Crime No.166 of 2022 on 27.04.2022, for the offence under Sections 341, 294(b), 323 and 506(ii) of IPC @ 341, 294(b), 325 and 506(ii) of IPC. He further submitted that on receiving



W.P(MD)No.13526 of 2022

the complaint from the petitioner, the second respondent police has gone through the Medical Certificate given by the Medical Officer, Radhapuram Hospital, Radhapuram, Tirunelveli District, and found that the allegation against the third respondent is false. Hence, the second respondent closed the complaint on 21.03.2022.

5. Considering the submission and perused the materials on records, the fact reveals that on 17.03.2022 at about 9.30 hours, the petitioner and his son travelled in a two wheeler from his house to the nearby grocery shop for purchasing. At that time, the third respondent in a rash negligent manner dashed against the two wheeler of the petitioner, wherein, the petitioner and his son sustained injuries and they were admitted in the hospital and he was treated as out patient. Thereafter, the petitioner gave a complaint to the second respondent and C.S.R.No.235 of 2022 has been issued. Further the fact reveals that the second respondent Police has received the complaint from the third respondent and C.S.R.No.234 of 2022 has been issued and after the enquiry, the case was registered in Crime No.166 of 2022 for the offence under Sections 341, 294(b), 325 and 506(ii) of IPC. Based on the complaint given by the petitioner, enquiry has been conducted in C.S.R.No.235 of 2022 and



W.P(MD)No.13526 of 2022

the same has been closed as the allegation is false. The same is recorded.

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6.Recording the same, this Writ Petition is closed and liberty is given to the petitioner to take appropriate legal action upon the closure report. No costs.

29.06.2022

Index :Yes/No
Internet:Yes/No
vsg

To

- 1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
- 2.The Inspector of Police,
Panagudi Police Station,
Panagudi,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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W.P(MD)No.13526 of 2022

V.SIVAGNANAM., J

vsg

W.P(MD)No.13526 of 2022

29.06.2022