



W.P(MD).No.19130

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2022

CORAM:

THE HONOURABLE **MR.JUSTICE SUNDER MOHAN**

W.P(MD)No.19130 of 2020

Pechithuraichi

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Tenkasi.

2.The Inspector of Police,
Puliyankudi Police Station,
Tenkasi.

3.Mr.Alex Raj
The Inspector of Police,
Puliyankudi Police Station,
Tenkasi.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, to direct the respondent No.1 to take appropriate action against the respondent No.2 and 3 on the basis of the petition submitted by the petitioner dated 19.10.2020 and on the basis of the guidelines issued by the Hon'ble Constitutional Bench of the Supreme Court of India in Lalitha Kumari case reported in (2014) 2 SCC 1 in accordance with law within the time stipulated by this Court.

For Petitioner
For R1 & R2

: Mr.R.Alagumani
: Mr.R.Meenakshi Sundaram
Additional Public Prosecutor



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ORDER

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This writ petition is filed for issuance of a Writ of Mandamus to direct the first respondent to take appropriate action against the second and third respondents, on the basis of the petition submitted by the petitioner, dated 19.10.2020.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 and 2.

3.The learned counsel appearing for the petitioner submitted that if the complaint discloses cognizable offence, the respondent police has to register the FIR as per the dictum laid down by the Hon'ble Apex Court in ***Lalitha Kumari-vs-State of Uttarprathesh***, reported in ***(2014) 2 SCC 1***. Though the petitioner's complaint discloses cognizable offence, so far the respondent police has not registered the FIR.

4.The learned Additional Public Prosecutor appearing for the State submitted that the petitioner's complaint was enquired into and found that the petitioner had lodged an exaggerated complaint on account of earlier enmity between the respondents.



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5. In view of the factual dispute, this Court is not inclined to entertain this

Writ Petition. If the petitioner is aggrieved by the inaction of the respondent, it is open to her to follow the procedure prescribed under Cr.P.C for further action.

6. With the above observation, this Criminal Original Petition is dismissed.

No costs.

13.12.2022

Index : Yes / No

Internet : Yes / No

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To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Tenkasi.

2. The Inspector of Police,
Puliyankudi Police Station,
Tenkasi.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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