



W.P(MD)No.19523 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:24.08.2022

CORAM :

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P(MD)No.19523 of 2022

R.Ganesh Kumar

...Petitioner

VS

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

2. The Sub Inspector of Police
Aaravayal Police Station,
Sivagangai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus, directing the 1st respondent to direct the 2nd respondent to register the FIR based on the complaint lodged by the petitioner dated 05.06.2022 in C.S.R.No.178 of 2022 on the file of the 2nd respondent police station.

For Petitioner :Mr.A.Karthik

For Respondents : Mr.M.Sakthi Kumar

Government Advocate(Crl.Side)



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ORDER

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This writ petitioner filed this Writ Petition seeking for issuance of a *Writ of Mandamus* directing the 1st respondent to direct the 2nd respondent to register the FIR based on the complaint lodged by the petitioner, dated 05.06.2022 in C.S.R.No.178 of 2022 on the file of the 2nd respondent police station.

2. Today, when the matter is taken up for hearing, the learned counsel appearing for the petitioner submitted that, on 05.06.2022 at about 02.00 p.m., a Tamarind tree near to his house fallen due to heavy rain. Therefore, his two wheeler was damaged and electricity connection was also disconnected. Thereafter, removed the Tamarind tree. The accused person who is neighbour of his house scolded him by using filthy language and also assaulted. Therefore, the petitioner has preferred a complaint on 05.06.2022 and based upon the complaint the respondent police has given C.S.R. No.178 of 2022. Till date, no further action was taken. Hence, this petition.

3. The learned Government Advocate (criminal side) appearing for the respondent police would submit that, on the same day, the accused



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person also has preferred a complaint to the respondent police against the petitioner and others and the same was registered in Crime No.55 of 2022 for the offences under Sections 294(b), 323 of IPC.

4. Heard the learned counsel appearing for the petitioner and learned Government Advocate (crl. side).

5. It is seen from the records that, on 05.06.2022, there is a dispute between the petitioner and the accused person with regard to removal of Tamarind tree. In this connection, the petitioner gave a complaint on 05.06.2022 in C.S.R.No.178 of 2022. On the next day, the accused persons gave a complaint against the petitioner and his family members and therefore, a case was registered in Crime No.55 of 2022. Since the accused person sustained simple injuries both are need investigation.

6. In view of the above, the 2nd respondent/Inspector of Police is directed to conduct enquiry upon both the complaint given by the petitioner and the accused, by following police standings Orders.



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7. With the above observations, this writ petition is disposed of.

No costs.

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Index : Yes/No
Internet : Yes/ No
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- To
1. The Superintendent of Police,
Sivagangai District,
Sivagangai.
 2. The Sub Inspector of Police
Aaravayal Police Station,
Sivagangai District.
 3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J

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