



W.P.(MD)No.20838 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2022

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THE HONOURABLE MR.JUSTICE **SATHI KUMAR SUKUMARA KURUP**

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Palaniammal

... Petitioner

Vs.

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Theni District-624 004.
- 2.The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Bodinayakkanur, Theni District.
- 3.The Sub Inspector of Police,
Odaipatti Police Station, Odaipatti, Theni District.

4.Mohan

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the Respondents No.1 to 3 to enquire into my complaint dated, 10.05.2022 and thereby, taken action against the fourth respondent in accordance with law.

For Petitioner	:Mr.P.R.Prithiviraj
For R1 to R3	:Mr.R.Meenakshi Sundaram
	Additional Public Prosecutor



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ORDER

Heard Mr.P.R.Prithiviraj, learned Counsel for the Petitioner and Mr.R.Meenakshi Sundaram, learned Additional Public Prosecutor appearing for the Respondents 1 to 3.

2.In the Ruling of Division Bench of this Court in a batch of Criminal Original Petitions reported in ***CDJ 2018 MHC 5100*** in the case of ***G.Prabakaran vs The Superintendent of Police, Thanjavur District and another***, it was stated that the Writ Petition seeking direction to register the case cannot be ordered. Only Criminal Original Petition under Section 482 of Cr.P.C., can be filed for a direction to register the case. Also in the same judgment, it was stated that the Complainant, before approaching this Court, in cases, where the Police refused to register the case, has to exhaust the remedy available under Section 156(3) Cr.P.C., by filing a Petition under Section 156(3) Cr.P.C., before the learned Judicial Magistrate Court concerned. Only the learned Judicial Magistrate has to pass appropriate orders directing the Police concerned to register a case and investigate. Even after such direction, if the Police has not registered a case, then the Complainant can approach this Court under Section 482 of Cr.P.C. seeking a direction to register a case. For this, there shall be a reasonable time of 15 days



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from the date of order passed by the learned Judicial Magistrate concerned for the Investigation Officer or the Police Officer to register a case. Only after the expiry of 15 days from the date of order of learned Judicial Magistrate, the Complainant can approach this Court under Section 482 Cr.P.C. seeking direction.

3. Instead of following the said guidelines, the Petitioner herein has approached this Court straightaway seeking Writ of Mandamus. Hence, this Writ Petition is not maintainable. Accordingly, this Writ Petition is dismissed. No costs.

15.09.2022

Index : Yes / No

cmr

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Theni District-624 004.
2. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Bodinayakkanur, Theni District.
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