



W.P(MD)No.20924 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:12.09.2022

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P(MD)No.20924 of 2022

M.Petchimuthu

... Petitioner

Vs

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

2.The Inspector of Police,
Pudukottai Police Station,
Tuticorin 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 respondents to take necessary action against the accused persons to arrest on the basis of the FIR filed in Crime No.94 of 2022 dated 29.03.2022 on the file of the 2nd respondent police.

For Petitioner : Mr.Balameenakshi. J

For Respondents : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor



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ORDER

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This Writ Petition has been filed seeking issuance of a Writ of Mandamus, directing the respondents to take necessary action to arrest the accused person, on the basis of the FIR in Crime No.94 of 2022, dated 29.03.2022.

2.The above said case has been registered on the basis of the complaint given by the petitioner, dated 29.03.2022, stating that the property mentioned in the complaint belongs to the defacto complainant's ancestor. One Chellaiah and Muthammal have fabricated false patta and created the documents in their favour. They also sold a portion of the property to one Velmurugan. The Government officials have also involved in the above said criminal conspiracy. Over the above said illegal transaction, O.S.No.413 of 2006 was filed and that was also ended in his favour. Seeking action against all those accused persons, he filed a complaint. Over which, present case has been registered. Since there was no action, he filed this petition.

3.The learned Additional Public Prosecutor would submit that out of 7 accused A2 & A3 have obtained anticipatory bail and in respect of



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other accused persons, still the investigation is kept pending. He would further submit the prayer that has been sought for in this petition is not at all maintainable. Since the investigation is underway, issuance of writ of mandamus directing the official respondents herein to arrest the accused persons, may not arise. The arrest of person is exclusively within the domain of Investigating Officer. Since it is too premature stage, no such direction can be given. A Special Team has also been formed to arrest the accused persons.

4.To arrest or not to arrest is entirely within the domain of investigating Officer and no person can dictate the Investigating Officer to arrest a person. So, as rightly pointed out by the learned Additional Public Prosecutor, the prayer itself is not at all maintainable.

5.Accordingly, this Writ Petition is dismissed. No costs.

12.09.2022

Index : Yes / No
Internet : Yes / No
dss



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G.ILANGOVA, J

dss

To

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

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