



W.P(MD)No.21130 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.21130 of 2022

Ramasamy

... Petitioner

Vs

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

2.The Inspector of Police,
Vattathikottai Police Station,
Thanjavur District.

3.Govindaraj

4.Anantham

5.Sneha

... 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 No.1 & 2 herein to take appropriate action against the respondents 3 to 5 on the basis of the petitioner's complaint, dated 08.05.2022 within a stipulated time period in accordance with law.

For Petitioner : Mr.Susi Kumar. C

For R1 & R2 : Mr.R.Meenakshi Sundaram,
Government Advocate (Crl.Side)



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ORDER

The writ petitioner filed this Writ Petition seeking for issuance of a Writ of Mandamus, directing the official respondents herein to take appropriate action against the private respondents on the complaint given by the petitioner, dated 03.08.2022.

2.The learned counsel for the petitioner would submit that the occurrence took place on 24.03.2022. The petitioner and his family members are severely assaulted with deadly weapons by the private respondents. The defacto complainant and his son were admitted in the hospital. After 8 days of treatment, they were discharged. During the course of treatment, the second respondent recorded the statement of the petitioner. But, no case has been registered sofar. Only enquiry has been undertaken. But, however, based upon the complaint given by the opposite party, case in Crime No.105 of 2021 has been registered against the petitioner and his family members. Since no action has been taken on the basis of the complaint given by the petitioner, present writ petition has been filed.



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3.The learned Additional Public Prosecutor would submit that on the basis of the complaint given by the petitioner, enquiry was undertaken in CSR.No.189 of 2022. During the course of enquiry, it was found that the complaint given by the petitioner is factually incorrect. On that basis, it was closed on 07.08.2021 as 'mistake of fact'.

4.Since the complaint that has been given by the petitioner was closed as 'mistake of fact', the petitioner may workout his remedy through appropriate proceedings.

5.With the above direction, this Writ Petition is disposed of as infructuous. 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,
Thanjavur,
Thanjavur District.
- 2.The Inspector of Police,
Vattathikottai Police Station,
Thanjavur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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