



W.P(MD)No.21765 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2022

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P(MD)No.21765 of 2022

Marimuthu

...Petitioner

Vs.

**1.The Superintendent of Police,
Office of the Superintendent of Police,
Pudukkottai District,
Pudukkottai.**

**2.The Inspector of Police
Anti-Land Grabbing Special Cell,
Pudukkottai District,
Pudukkottai.**

...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 herein to take necessary action in accordance with law on the basis of the Petitioner's complaint dated 12.05.2022 within the time stipulated by this Court.

For Petitioner : Mr.S.Sathya Chidambaram

For Respondents : Mr.R.Sivakumar

Government Advocate (Crl.side)



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ORDER

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This Writ Petition has been filed to direct the Respondents to take necessary action on the Petitioner's complaint dated 12.05.2022.

2.As per the submission of the learned Counsel for the Petitioner, the land belonging to the Petitioner was sold to one Selvi by a person using forged documents. Therefore, the Petitioner had given a complaint on 12.05.2022 to the Police, but the Police did not register the FIR. Therefore, he had approached this Court seeking direction under Article 226 of the Constitution of India.

3.In the Ruling of Division Bench of this Court in a batch of Criminal Original Petitions in the case of ***G.Prabakaran vs The Superintendent of Police, Thanjavur District and another*** reported in ***CDJ 2018 MHC 5100***, 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



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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 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.

4. 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, the submission of the learned Counsel for the Petitioner is rejected with a direction to the Petitioner to seek relief from the Court of the learned Judicial Magistrate concerned.



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SATHI KUMAR SUKUMARA KURUP, J.

mm

5. With the above direction, this Writ Petition stands dismissed. No costs.

Index :Yes/No
Internet: Yes/No
mm

23.09.2022

To

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Pudukkottai.

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