



W.P(MD)No.21752 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.21752 of 2022

Jayaraman

...Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Musiri,
Trichy District.

3.The Inspector of Police
Subramaniapuram Police Station
Trichy District.

4.The Sub Inspector of Police,
Kollidam Police Station,
Trichy District.

5.Sathya

6.M.Mohanraj

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the



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Respondents 1 and 2 to instruct the third Respondent to enquire the Petitioner's representation dated 04.08.2022 and dispose the same within the time stipulated fixed by this Court.

For Petitioner : Mr.Karunanithi
For R1 to R4 : Mr.R.Sivakumar
Government Advocate (Crl.side)

ORDER

This Writ Petition has been filed to direct the Respondents 1 and 2 to instruct the third Respondent to enquire the Petitioner's representation dated 04.08.2022 and dispose of the same.

2.The learned Counsel for the Petitioner submits that there had been dispute regarding arrears of rent. Therefore, the Petitioner had given a complaint to the jurisdictional police, but they had not taken any action. On the other hand, they had entertained the complaint of the Respondents 5 and 6, threatening the Petitioner. Therefore, the Petitioner sought direction from this Court to the Respondents 1 and 2 to instruct the third Respondent to take appropriate action on the Petitioner's representation.

3.The learned Government Advocate (Crl.side) for the Respondents 1 to 4 vehemently objects to the same stating that already



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CSR No.357 of 2022 was issued based on the complaint of the Petitioner.

Further, after issuance of CSR, the Petitioner is alleged to have threatened the Respondents 5 and 6. Therefore, based on the complaint of the Respondents 5 and 6, the FIR was registered.

4.As per the guidelines issued by the Division Bench of this Court in the case of ***G.Prabakaran vs The Superintendent of Police, Thanjavur District and another*** reported in ***CDJ 2018 MHC 5100***, this Writ Petition is not maintainable.

5.In the said 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 refuses to register 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



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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.

6. 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 as not maintainable. No costs.

Index : Yes/No
Internet: Yes/No
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23.09.2022

To

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Trichy.
2. The Deputy Superintendent of Police,
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Trichy District.
3. The Inspector of Police
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4.The Sub Inspector of Police,
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SATHI KUMAR SUKUMARA KURUP, J.

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