



W.P(MD)No.21791 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.21791 of 2022

S.Chitra

...Petitioner

Vs.

**1.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.**

**2.The Inspector of Police
All Women Police Station
Kovilpatti,
Thoothukudi 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 second Respondent to enquire the Petitioner's complaint dated 20.08.2022 in accordance with law, within the time limit as fixed by this Court.

For Petitioner : Mr.K.K.Samy

For Respondents : Mr.R.Sivakumar

Government Advocate (Crl.side)



W.P(MD)No.21791 of 2022

ORDER

WEB COPY

This Writ Petition had been filed to direct the second Respondent to enquire the Petitioner's complaint dated 20.08.2022.

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



W.P(MD)No.21791 of 2022

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.

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.

Index :Yes/No
Internet: Yes/No
mm

23.09.2022

To

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

2.The Inspector of Police
All Women Police Station
Kovilpatti,
Thoothukudi District.



WEB COPY



W.P(MD)No.21791 of 2022

SATHI KUMAR SUKUMARA KURUP, J.

mm

W.P(MD).No.21791 of 2022

23.09.2022