



WP(MD)No.21981 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2022

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD)No.21981 of 2022

Thiruneelakandan

... Petitioner

/vs./

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

2. The Inspector of Police,
Avudaiyarkoil Police Station,
Pudukkottai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second Respondent to take action on the Petitioner's representation dated 28.04.2022 and conduct enquiry and act in accordance with law.

For Petitioner : Mr. T.Lenin Kumar

For Respondents : Mr. R.Sivakumar
Government Advocate (Crl. Side)



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ORDER

The Petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the second Respondent to take action on the Petitioner's representation dated 28.04.2022 and conduct enquiry and act in accordance with law.

2.The learned Counsel for the Petitioner submitted that on earlier occasion, he had filed CrI.O.P(MD) No.16548 of 2022 to provide adequate Police protection to the Petitioner's life and limb by considering his representation dated 06.09.2022.

3. In the case in CrI.O.P(MD) No.16548 of 2022, the learned Government Advocate (CrI. Side) submitted that the Petitioner had preferred a complaint before the second Respondent, based on which, CSR.No.303 of 2022 has been registered and the same is pending. When CSR is pending, this Court cannot issue any direction to the Respondent Police. It is duty of the Petitioner to co-operate with the enquiry. The Respondent Police are directed to conduct enquiry regarding the complaint given by the Petitioner, after issuing summon to the



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Petitioner as well as the third Respondent. The prayer sought for by the Petitioner in CrI.O.P(MD) No.16548 of 2022 cannot be granted and accordingly, the Criminal Original Petition in CrI.O.P(MD) No.16548 of 2022 is disposed of.

4. It is the contention of the learned Counsel for the Petitioner in W.P(MD) No.21981 of 2022, that the Petitioner is running a restaurant in Chennai and he married one Devikala, 16 years ago. Out of wedlock, they begot a male child and he was named as Thirunavukkarasu. Due to misunderstanding, the wife of the Petitioner, Devikala deserted the Petitioner and left for her parental home. Subsequently, the Petitioner herein lived with another women by name Aarthi @ Annalakshmi, who is a divorcee. As per the submission of the learned Counsel for the Petitioner, when the said Aarthi @ Annalakshmi come to live with the Petitioner, she already had two children through her husband.

5. The contention of the learned Counsel for the Petitioner that the said Aarthi @ Annalakshmi already left Petitioner's house due to misunderstanding. Subsequently, the Petitioner came to know that the said Aarthi obtained the birth Certificate and Passport to her two children, who were born through her first



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husband by mentioning the Petitioner's name as their father. Therefore, he had filed representation dated 28.04.2022.

6. By way of reply, the learned Government Advocate (Crl.Side) submitted that in this case also, new CSR had been registered, which is still pending in the current paper with the second Respondent. The second Respondent went to the Petitioner's residence by way of enquiry, in which, the Petitioner's father was present. The said Aarthi @ Annalakshmi was appeared before the Second Respondent and submitted that she will seek remedy through the Civil Court.

7. Recording the submission of the learned Government Advocate (Crl. Side), the Petitioner is directed to seek remedy through the Civil Court.

8. With the above direction, this Writ Petition is disposed of. No costs.

11.11.2022

Index : Yes / No
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SATHI KUMAR SUKUMARA KURUP, J.



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