



WP(MD)No22466 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.11.2022

CORAM:

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

W.P.(MD)No.22466 of 2022

R.Varadarajan

... Petitioner

/vs./

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

2.The Inspector of Police,
Manapparai Police Station,
Manapparai,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd Respondent herein to take action on the petitioner's complaint dated 27.01.2022, which is taken on file in C.S.R. No.51 of 2022 on the file of the 1st Respondent and investigate the same by following due procedure and for other reliefs.

For Petitioner : Mr.J.Lawrance
For Respondents : Mr.R.Sivakumar
Government Advocate (Crl.side)



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ORDER

This Writ Petition had been filed to direct the second Respondent to take action on the Petitioner's complaint dated 27.01.2022, which is taken on file in C.S.R.No.51 of 2022 on the file of the first Respondent and investigate the same by following due procedure.

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



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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.

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.

15.11.2022

Index : Yes / No
Internet : Yes / No
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TO:

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

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SATHI KUMAR SUKUMARA KURUP, J.

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2.The Inspector of Police,
Manapparai Police Station,
Manapparai,
Trichy District.

Order made in
W.P.(MD)No.22466 of 2022

Dated:
15.11.2022