



WP(MD)No22557 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.22557 of 2022

A.Souriraj

... Petitioner

/vs./

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

2.The Inspector of Police,
Samayapuram Police Station,
Lalgudi Taluk,
Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents to consider and dispose of the Petitioner's Representation dated 20.09.2022 and 21.09.2022 in the light of the Judgment laid down by the Honble Supreme Court of India in the case relates to Lalita Kumari Vs Government of Uttar Pradesh and others reported in (2014) 2 SCC 1.



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For Petitioner : No appearance
For Respondents : Mr.R.Sivakumar
Government Advocate (Crl.side)

ORDER

This Writ Petition had been filed to direct the Respondents to consider and dispose of the Petitioner's Representations dated 20.09.2022 and 21.09.2022 in the light of the Judgment laid down by the Hon'ble Supreme Court in the case of ***Lalita Kumari Vs Government of Uttar Pradesh and others*** reported in (2014) 2 ***SCC 1***.

2.When the case came up for hearing, none appears for the Writ Petitioner.

3.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



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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 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, this Writ Petition is dismissed. No costs.

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

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TO:

- 1.The Superintendent of Police,
Trichy District,
Trichy.
- 2.The Inspector of Police,
Samayapuram Police Station,
Lalgudi Taluk,
Trichy District.

Order made in
W.P.(MD)No.22557 of 2022

Dated:
15.11.2022