



WP(MD)No22558 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.22558 of 2022

A.Anthonydharmaraj

... Petitioner

/vs./

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
SS Colony Police Station,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to take necessary action upon the petitioner's representation dated 14.09.2022, which is pending before the 2nd respondent.

For Petitioner : Mr.P.Venkatesan
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 necessary action upon the Petitioner's representation dated 14.09.2022.

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 case. For this, there shall be a reasonable time of 15 days



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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:

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Madurai City,
Madurai.

2.The Inspector of Police,
SS Colony Police Station,
Madurai.

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SATHI KUMAR SUKUMARA KURUP, J.

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Order made in
W.P.(MD)No.22558 of 2022

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