



W.P.(MD)No.23242 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.10.2022

CORAM

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

W.P.(MD)No.23242 of 2022

S.Esakki

... Petitioner

Vs.

1.The Superintendent of Police,
Tirunelveli District.

2.The Sub Inspector of Police,
Moolakaraipatti Police Station,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the Respondents 1 and 2 to consider the Petitioner's representation on 07.09.2022 and to conclude the enquiry of C.S.R.365/22.

For Petitioner :Mr.K.P.Narayanakumar

For Respondents :Mr.B.Nambiselvan

Additional Public Prosecutor

ORDER

This Writ Petition has been filed to direct the Respondents 1 and 2 to consider the Petitioner's representation, dated 07.09.2022 and to conclude the enquiry of C.S.R.365/22.



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2. Heard the learned Counsel for the Petitioner and the learned Additional Public Prosecutor appearing for the Respondents.

3. The subject matter of this Writ Petition is considered to be against the reported Ruling of the Honourable Division Bench of this Court (Justice M.M.Sundresh (as His Lordship then was) and Justice N.Sathish Kumar) in ***CDJ 2018 MHC 5100***, in the case of ***G.Prabakaran vs The Superintendent of Police, Thanjavur District and another***. As per the said Ruling, the parties who approached the High Court, has to exhaust the remedy available under Section 156(3) Cr.P.C., by approaching the jurisdictional Magistrate seeking direction. After exhausting the remedy, still the Police are not acted, they can approach this Court.

4. In the light of the reported Ruling of this Court (cited supra), this Writ Petition is dismissed with the direction to the Writ Petitioner to approach the jurisdictional Magistrate seeking direction under the provisions of Cr.P.C. No costs.

28.10.2022

Index : Yes / No

cmr



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WEB COPY

To

- 1.The Superintendent of Police,
Tirunelveli District.
- 2.The Sub Inspector of Police,
Moolakaraipatti Police Station,
Tirunelveli District.



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