



WP(MD)No.23473 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.23473 of 2022

Vellaisamy

... Petitioner

/vs./

1. The Superintendent of Police
Madurai District, Madurai

2. The Inspector of Police(L&O)
Valandur Police Station
Madurai District

3. Sekar

4. Boominathan

5. Jeganpandi

6. Vijay

7. Karuppasamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second Respondent to investigate the complaint of the Petitioner dated 12.09.2022.

For Petitioner : Mr.M.Sankar

For Respondents : Mr.B.Nambiselvan

Additional Public Prosecutor



WP(MD)No.23473 of 2022

WEB COPY

ORDER

The Petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the second Respondent to investigate the complaint of the Petitioner dated 12.09.2022.

2. The learned Counsel for the Petitioner would submit that the Petitioner is working as Bill Clerk(Junior Assistant)in Tamil Nadu Civil Supplies Corporation, Madurai . He had preferred complaint against the private Respondents 3 to 7 . The Respondents 1 and 2 had not taken any steps to enquire the missing of 270 bags of paddy.

3.The learned Additional Public Prosecutor would submit that on earlier occasion the very same Petitioner had approached this Court in W.P(MD) No. 17888 of 2022 which was disposed of by this Court on 10.08.2022. Once again the Petitioner had filed the very same petition for the very same cause of action. Therefore the learned Additional Public Prosecutor would submit that the Writ Petition itself is to be dismissed with costs.



WP(MD)No.23473 of 2022

WEB COPY

4. Based on the reported ruling of 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**, this Court has held that in cases where aggrieved parties seek direction that Writ Petition is not maintainable under Article 226 of the Constitution of India. In the reported ruling the parties were directed to approach the learned Judicial Magistrate under Section 156(3) of Cr.P.C and obtain appropriate orders. Even after obtaining orders when the Respondent police refused to act they can always approach this Court under Section 482 of Cr.P.C.

5. In the light of the above reported ruling of the Hon'ble Division Bench of this Court, this Writ Petition is dismissed with costs. The Petitioner is directed to pay a sum of Rs.2,000/- (Rupees Two thousand only) towards costs to the Legal Services Authority attached to this Bench.

15.11.2022

Index : Yes / No

Internet : Yes / No

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WP(MD)No.23473 of 2022

WEB COPY

TO:

1. The District Superintendent of Police
Economic Offences Wing
Kanyakumari District (Nagercoil)
2. The Inspector of Police
Mandaikadu Police Station,
Kanyakumari District
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
4. The Registrar (Judicial),
Madurai Bench of Madras High Court,
Madurai.



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WP(MD)No.23473 of 2022

SATHI KUMAR SUKUMARA KURUP, J.

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