



W.P.(MD)No.23954 of 2022

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.23954 of 2022

Alexpandi

... Petitioner

Vs.

1. The Superintendent of Police
Madurai District, Madurai.
2. The Inspector of Police
Usilampatti Town Police Station
Madurai District

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the Respondent 1 and 2 herein to take necessary action against the persons engaged in blockading the Usilampatty Panchayat Union Office and also obstructing petitioner and other public from entering into office premises and also abusing and threatening in public with microphone, loudspeakers without permission by considering the petitioner representation dated 24.09.2022 forthwith within the time stipulated time by this Honourable Court .



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For Petitioner :Mr.A.Mithun Chakravarthi
For Respondents :Mr.B.Nambiselvan
Additional Public Prosecutor

ORDER

The Petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the Respondent 1 and 2 herein to take necessary action against the persons engaged in blockading the Usilampatty Panchayat Union Office and also obstructing petitioner and other public from entering into office premises and also abusing and threatening in public with microphone, loudspeakers without permission by considering the petitioner representation dated 24.09.2022 forthwith within the time stipulated time by this Honourable Court

2. Heard Mr.A.Mithu Chakravarthi learned Counsel for the Petitioner and Mr.B.Nambiselvan, learned Additional Public Prosecutor appearing for the Respondents.

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***



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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 had 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 or one month from the date of the 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 or one month 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 had approached this Court straightaway seeking Writ of Mandamus. Hence, this Writ Petition is not maintainable. Accordingly, this Writ



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Petition is dismissed with liberty to the Petitioner to approach the concerned Court as per the reported ruling of the Hon'ble Division Bench of this Court. No costs.

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Index : Yes / No

Internet : Yes/No

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To

1. The Superintendent of Police
Madurai District, Madurai.
2. The Inspector of Police
Usilampatti Town Police Station
Madurai District
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.



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