



W.P.(MD)No.24186 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.24186 of 2022

and

W.M.P.(MD)No.18301 of 2022

M.Veeriyar Poosari

... Petitioner

Vs.

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

2.The Revenue Divisional Officer,
Thanjavur District, Thanjavur.

3.The Tahsildar,
Budalur Taluk, Thanjavur District.

4.The Inspector of Police,
Sengipatti Police Station,
Thanjavur District.

5.Rajendran

6.Chinnaiyan

7.Durairaj

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the fourth Respondent to take necessary action as against the Respondents 5 to 7 herein on the basis of the complaint given by the Petitioner, dated 26.02.2022 registered in CSR No.321/2022 on the file of the fourth Respondent Police strictly in accordance with direction the Apex Court in Lalitha Kumari vs Govt. of U.P., and others case.



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For Petitioner :Mr.P.Saravanakumar
For R1 to R4 :Mr.B.Nambiselvan
Additional Public Prosecutor

ORDER

This Writ Petition has been filed to direct the fourth Respondent to take necessary action as against the Respondents 5 to 7 herein on the basis of the complaint given by the Petitioner, dated 26.02.2022 registered in CSR No.321/2022 on the file of the fourth Respondent Police strictly in accordance with direction the Apex Court in Lalitha Kumari vs Govt. of U.P., and others case.

2.Heard the learned Counsel for the Petitioner and the learned Additional Public Prosecutor appearing for the Respondents 1 to 4.

3.In the Ruling of Division Bench of this Court (Justice M.M.Sundresh (as His Lordship then was) and Justice N.Sathish Kumar) 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



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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 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. It will be treated as violation of reported Ruling of the Honourable Division Bench of this Court by the Registry and appropriate action will be initiated. Hence, this Writ Petition is not maintainable.



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5. Accordingly, this Writ Petition is dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed.

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Index : Yes / No

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To

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3. The Tahsildar,
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