



WP(MD)No.24367 of 2022

WEB COPY 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.24367 of 2022

R.Ramesh Kumar

... Petitioner

/vs./

1. The District Superintendent of Police,
District Superintendent Office,
Ramanathapuram District.

2. The Inspector of Police,
District Crime Branch,
Ramanathapuram District.

3. Kapildev

4. Anithadevi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second Respondent to conduct preliminary enquiry based on my complaint dated 29.09.2022 and to take action against the third and fourth respondents.



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For Petitioner : Mr.M.Pandian
For R1 and 2 : Mr.B.Nambiselvan
Additional Public Prosecutor

ORDER

The Petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the second Respondent to conduct preliminary enquiry based on my complaint dated 29.09.2022 and to take action against the third and fourth respondents.

2.The learned Additional Public Prosecutor takes notice for the first and second Respondents. By consent, the Writ Petition itself is taken up for final disposal.

3.Heard the learned Counsel for the Petitioner and the learned Additional Public Prosecutor appearing for the first and second Respondents.

4.The learned Additional Public Prosecutor submits that the learned Counsel for the Petitioner is not present as per the reported decision of the



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Division Bench of this Court (Hon'ble Mr.Justice M.Sundresh and Hon'ble Mr.Justice N.Sathish Kumar) without availing a alternate remedy and also as per the reported decision, they have to file CrI.M.P. Petition. Instead the Petitioner has filed the Writ Petition (Criminal) seeking direction to register the case. Therefore, as per the submission of the learned Additional Public Prosecutor, this petition itself is not maintainable. Also, the learned Additional Public Prosecutor relied on the latest ruling of the Hon'ble Supreme Court in the case of The State of Maharashtra and others Vs. Greatship (India) Limited (2022 LiveLaw (SC) 784).

5.The Registry is directed not to number a case as Writ Petition seeking direction and to file the criminal cases against the Police Officers.

6.On the basis of the submission of the learned Additional Public Prosecutor, the Writ Petition is dismissed.

28.10.2022

Index : Yes / No
Internet : Yes / No
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SATHI KUMAR SUKUMARA KURUP, J.

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TO:

1. The District Superintendent of Police,
District Superintendent Office,
Ramanathapuram District.
2. The Inspector of Police,
District Crime Branch,
Ramanathapuram District.

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