



W.P.No.7164 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.7164 of 2023

P.Mylsamy

... Petitioner

Vs

1.The Superintendent of Police,
The District Police Office,
State Bank Road,
Coimbatore – 18.

2.Gomathi

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Mandamus, directing the 1st respondent to initiate action against the 2nd respondent as per Sec.166(A) of I.P.C.

For Petitioner : Mr.V.V.Sairam

For Respondents : Mr.S.Santhosh, (For R1)
Government Advocate (Crl.Side)

ORDER

The Writ Petition has been filed to direct the 1st respondent to initiate action against the 2nd respondent as per Sec.166(A) of I.P.C.

2. It is the submission of the learned counsel for the petitioner that



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petitioner filed Crl.O.P.No.31538 of 2022 before this court seeking direction to register First Information Report. This court on 21.12.2022 gave direction to the respondent “to issue notice to parties, conduct enquiry as directed by the Hon'ble Apex Court in the case of ***Lalita Kumari Vs. Government of Uttar Pradesh and others*** (2014 (2) SCC(1)) and if any cognizable offence is made out, the respondent police is bound to register the FIR, otherwise they may close the complaint”. That exercise is to be completed within a period of two weeks from the date of receipt of copy of the order. It is the further submission of the learned counsel for the petitioner that despite the aforesaid order, 2nd respondent has not registered the First Information Report, necessitating filing of this petition.

3. In response, learned Government Advocate (Crl.side) submitted that in pursuance to the order passed by this Court in Crl.O.P.No.31538 of 2022, both the parties have been enquired. During the course of enquiry, it came to light that there are criminal and civil cases pending between the parties. In O.S.No.146 of 2016 on the file of District Munsif Court, Pollachi pending between the parties, steps have been taken for measuring the properties of both the parties. It was suggested to the parties that they should take steps for measuring the properties by the surveyor. The



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respondents agreed to take steps for appointment of Advocate Commissioner through the orders of the court and for measuring the properties. But the petitioner refused to give any written submission for taking steps. Therefore enquiry was closed.

4. In light of the submission of the learned Government Advocate (Crl.side), this Court is of the view that the prayer sought for in this petition cannot be entertained.

5. Therefore, this Writ petition is dismissed. No costs. It is open to the petitioner to challenge the enquiry report in the manner known to law.

09.03.2023

Index :Yes/No
Internet:Yes/No
mpl

To

1.The Superintendent of Police,
The District Police Office,
State Bank Road,
Coimbatore – 18.

2.The Public Prosecutor,
High Court of Madras.



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G.CHANDRASEKHARAN, J.
mpl

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