



W.P.No.12634 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P. No.12634 of 2023

N.B.Riyas Ahamed

... Petitioner

Vs.

State rep. by
The Inspector of Police,
B-2, Taluk Police Station,
Tiruvallur, 602 001.

...Respondent

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Mandamus, directing the respondent to register the complaint dated 02.11.2022 sent by the petitioner and investigate the same and consequently direct the respondent to file the final report within a stipulated time as fixed by this Court.

For Petitioner : Mr.B.Gurunathan

For Respondent : Mr.S.Santhosh
Government Advocate (Crl.Side)



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ORDER

The Writ Petition has been filed to direct the respondent to register the complaint dated 02.11.2022 sent by the petitioner and investigate the same and consequently direct the respondent to file the final report within a stipulated time as fixed by this Court.

2.It is seen from the submission of the learned counsel for the petitioner that petitioner filed private complaint before the Judicial Magistrate Court at Tiruvallur under Section 200 Cr.P.C. This private complaint was returned by the learned Judicial Magistrate, Tiruvallore.

3.Without challenging the return order, present petition is filed seeking direction for registration of the complaint dated 02.11.2022. This Court in ***MANU/TN/5241/2018 [G.Prabakaran Vs. The Superintendent of Police, Thanjavur District and Ors]*** has observed that petition seeking registration of complaint cannot be filed without invoking the provisions under Sections 154 and 156 Cr.P.C. Private complaint given by the petitioner was returned. Therefore, petitioner has to challenge the return order, but should not seek



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the prayer of registering the complaint dated 02.11.2022. Therefore, this

Writ Petition is disposed of giving liberty to the petitioner to challenge the order passed by the learned Judicial Magistrate, Tiruvallore. No costs.

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Index :Yes/No

Internet:Yes/No



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G.CHANDRASEKHARAN, J.

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To

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