



WEB COPY



W.P.No.20263 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.07.2023

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

WP.No.20263 of 2023 & WMP.No.19597 of 2023

Muthukumaran @ Ajith

... Petitioner

Vs

1. The Director General of Police,
O/o.Director General of Police Office,
No.1, Dr.Radhakrishnan Salai, Mylapore,
Chennai – 600 004.
2. The Superintendent of Police,
Cuddalore District, Cuddalore.
3. The Deputy Superintendent of Police,
Thittagudi Sub Division, Cuddalore District.
4. Kalaiselvan
Special Sub-Inspector of Police,
Ramanatham Police Station,
Cuddalore District.

5. Annadurai

... Respondents

Prayer:- Writ Petition filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus directing the first and second



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respondents to take an appropriate action against the fourth respondent failed to register the cognizable offence promptly by considering the representation of the petitioner dated 23.06.2023.

For Petitioner : Mr.M.Velmurugan

For Respondents : Mr.E.Vedabagathsingh
Special Government Pleader – R1 to R3

ORDER

This Writ Petition has been filed to direct the first and second respondents to take an appropriate action against the fourth respondent, who failed to register the cognizable offence promptly by considering the representation of the petitioner dated 23.06.2023.

2. A perusal of the averments in the Writ Petition reveals that certain offences are said to have been committed by the fifth respondent and the fourth respondent has not registered a case against the fifth respondent for the offences committed by him. Therefore, seeks a direction to register a case against the fifth respondent.



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3. The Division Bench of this Court in ***G.Prabhakaran v. The Superintendent of Police, Thanjavur***, reported in ***(2018) 2 LW Crl 489*** and the Hon'ble Supreme Court in its latest judgment rendered by a three Judge Bench in ***M.Subramaniam v. S.Janaki***, reported in ***(2020) 5 CTC 464***, after relying upon ***Sakiri Vasu's*** Case, has categorically held that the High Court cannot issue any direction for registration of FIR. However, the petitioner can very well seek his remedy by resorting to the procedure contemplated under section 154 of Cr.P.C. and he also can file a private complaint. As a matter of right he cannot seek such a direction in the Writ Petition and this Writ Petition is not maintainable.

4. Accordingly, this Writ Petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

11.07.2023

Index:Yes/No

Neutral Citation : Yes/No



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vrc

To,

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O/o.Director General of Police Office,
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Chennai – 600 004.
2. The Superintendent of Police,
Cuddalore District, Cuddalore.
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N.SATHISH KUMAR, J.

VTC

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