



WEB COPY



W.P.No.26269 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.26269 of 2023

R.Basker

... Petitioner

Vs.

1.The Director General of Police,
Mylapore,
Chennai – 600 004.

2.The Commissioner of Police,
Greater Chennai Police,
Vepery,
Chennai – 600 007.

3.The Superintendent of Police,
Chengalpattu.

4.Mrs.Franwin Dany Sabeen
Women Inspector of Police,
E-4, Kalpakkam Police Station,
Kalpakkam, Chengalpattu District.

5.C.Senthil Kumar

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the 2nd respondent to consider the petitioner's representation dated 17.07.2023 and take action against the 4th respondent herein and trace out the petitioner's Car bearing Registration



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No.TN S 18 AX 2977 TATA TIAGO and hand over the same to the petitioner.

For Petitioner : Mr.T.S.N.Prabhakaran

For R1 to R3 : Mr.S.Prabhakaran
Government Advocate

ORDER

This writ petition has been filed to direct the 2nd respondent to consider the petitioner's representation dated 17.07.2023 and take action against the 4th respondent herein and trace out the petitioner's Car bearing Registration No.TN S 18 AX 2977 TATA TIAGO and hand over the same to the petitioner.

2.It is the case of the petitioner that his Car was stolen by the 5th respondent, for which, he gave a complaint against the 5th respondent before the 4th respondent and a CSR was registered. Thereafter, the 4th respondent was transferred to some other Police Station and no action was taken on the complaint lodged by the petitioner. Further, it is the contention of the petitioner that the 4th respondent has conspired with the 5th respondent and sold his Car to one Anandan, by receiving a huge sum



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of money. Therefore, the petitioner filed a complaint before the higher officials to take action against the 4th respondent. Since the same was not considered, the present writ petition has been filed.

3.Heard the learned counsel for the petitioner and Mr.S.Prabhakaran, learned Government Advocate, who takes notice for the respondents 1 to 3.

4.This Court is of the view that the petitioner has filed this writ petition as if it is a service matter. Admittedly, a CSR has been given based on the complaint given by the petitioner in CSR No.189 of 2020. While so, if the petitioner is aggrieved by the inaction on the part of the respondent Police, the remedy lies elsewhere, but not in a writ petition. For the inaction on the part of the respondent Police on the criminal complaint lodged by the petitioner, the petitioner ought to have filed an application under Section 156(3) Cr.P.C. to take appropriate action against the 4th respondent or to pursue his complaint, which has not been done in the present case.



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5. In such view of the matter, this Court does not find any merit in this writ petition. It is open to the petitioner to work out his remedy in the manner known to law.

6. With this liberty, this writ petition is dismissed. No costs.

08.09.2023

mkn

Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

1. The Director General of Police,
Mylapore,
Chennai – 600 004.

2. The Commissioner of Police,
Greater Chennai Police,
Vepery,
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3. The Superintendent of Police,
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N. SATHISH KUMAR, J.
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