



Writ Petition No.2406 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.07.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.2406 of 2022

T.Gowri
W/o.Senthil Sivalingam

...Petitioner

Vs

- 1.State represented by
Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.
- 2.The Secretary to Government,
Home Department,
Government of Tamil Nadu,
Beach Road, Fort St.George,
Chennai, Tamil Nadu - 600 009.
- 3.The Commissioner of Police,
Office of Commissioner of Police,
No.132, Commissioner Office Building,
E.V.K.Sampath Road, Vepery,
Periamet, Chennai, Tamil Nadu - 600 007.
- 4.The Deputy Commissioner of Police,
Adyar, Chennai - 600 020.



Writ Petition No.2406 of 2022

WEB COPY

5. Inspector of Police,
Crime Branch,
J8-Neelankarai Police Station,
Chennai - 600 115.

6. Sub Inspector of Police,
Mr. Durairaj
J8-Neelankarai Police Station,
Chennai - 600 115.

7. M/s. Aakash Ganga Realtors,
represented by its Proprietor,
Mr. Gopi Krishnan
S/o. Mr. Parthasarathy
at No. 72/2A, Kazura Garden 2nd Street,
Neelankarai, Chennai - 600 041.

8. Inspector of Police,
Economic Offences Wing,
Alandur Road,
Thiru Vi Ka Industrial Estate,
SIDCO Industrial Estate,
Guindy, Chennai - 600 032.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing eighth respondent to register FIR against the seventh respondent and consequently, direct the first respondent to take disciplinary proceedings against the fifth respondent herein.

For Petitioner : Mr. M. Abdul Hameed
For Respondents : Mr. A. Damodaran
Additional Public Prosecutor
[R1 to R6 & R8]



Writ Petition No.2406 of 2022

ORDER

WEB COPY This petition has been filed seeking a direction to the eighth respondent to register a case against the seventh respondent and consequently, direct the first respondent to take disciplinary proceedings against the fifth respondent herein.

2. Heard learned counsel for petitioner and learned Additional Public Prosecutor appearing on behalf of respondents 1 to 6 & 8.

3. Learned counsel for petitioner submitted that the petitioner died and sought for some time.

4. Taking into consideration the nature of relief that has been sought for in this petition, if the legal heirs of the petitioner are aggrieved by the inaction on the part of the official respondents in not registering the case, it is left open to them to approach the concerned Magistrate Court and file a petition u/s.156(3) Cr.P.C. and work out their right.



Writ Petition No.2406 of 2022

5. This petition is not maintainable, in view of the order passed by a

WEB COUNCIL

Division Bench of this Court in ***G.Prabhakaran v. The Superintendent of Police, Thanjavur*** reported in ***(2018) 2 LW Crl 489***. 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*** Case, has categorically held that the High Court cannot issue any direction for registration of FIR. The Hon'ble Supreme Court held that the informant has to necessarily avail of the alternative remedy provided under Section 154 (3) of Cr.P.C., and Section 156 (3) of Cr.P.C. Liberty is given to the legal heirs of the petitioner to workout their remedy as per the directions issued by the Division Bench in the order referred supra.

This Writ Petition is disposed of accordingly. No costs.

05.07.2023

Index : Yes/No
Speaking order: Yes/No
Neutral citation: Yes/No
gm



Writ Petition No.2406 of 2022

To

1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

2.The Secretary to Government,
Home Department,
Government of Tamil Nadu,
Beach Road, Fort St.George,
Chennai, Tamil Nadu - 600 009.

3.The Commissioner of Police,
Office of Commissioner of Police,
No.132, Commissioner Office Building,
E.V.K.Sampath Road, Vepery,
Periamet, Chennai, Tamil Nadu - 600 007.

4.The Deputy Commissioner of Police,
Adyar, Chennai - 600 020.

5.The Inspector of Police,
Crime Branch,
J8-Neelankarai Police Station,
Chennai - 600 115.

6.The Sub Inspector of Police,
J8-Neelankarai Police Station,
Chennai - 600 115.

7.The Inspector of Police,
Economic Offences Wing,
Alandur Road, Thiru Vi Ka Industrial Estate,
SIDCO Industrial Estate,
Guindy, Chennai - 600 032.

8.The Public Prosecutor,
High Court, Madras.



WEB COPY



Writ Petition No.2406 of 2022

N.ANAND VENKATESH, J

gm

Writ Petition No.2406 of 2022

05.07.2023