



W.P.(MD)No.16893 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.01.2023

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

W.P.(MD).No.16893 of 2020
and
W.M.P.(MD).No.15023 of 2020

R.Chandramani

... Petitioner

Vs.

1.The State of Tamilnadu,
Represented by the Principal Secretary,
Home Department,
Fort St.George,
Chennai – 600 009.

2.The Director General of Police,
Tamil Nadu Police Department,
Kamaraj Salai,
Chennai – 600 004.

3.The Superintendent of Police,
Tuticorin District,
Tuticorin.

4.Muthusubramaniam,
Inspector of Police,
SIPCOT Police Station,
Tuticorin,
Tuticorin District.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd respondent to issue necessary direction to the 3rd respondent to take appropriate action against the 4th respondent for having misused the power vested on 4th respondent based on the representation of the petitioner dated 22.10.2020.

For Petitioner : Mr.S.Sarvagan Prabhu
For R-1 : Mr.C.Baskaran,
Government Advocate.
For R-2 and R-3 : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor.
For R-4 : Mr.P.Saravanakumar

ORDER

The Writ Petition is filed seeking for a Mandamus directing the second and third respondents to take action against the fourth respondent for misusing his power based on the petitioner's representation dated 22.10.2020.

2. It is alleged in the Writ Petition that the sister of the petitioner's wife, one Kanniammal, had filed a suit in O.S.No.63 of 2019 praying for partition of certain properties belonging to the family of the petitioner's wife. During the pendency of the suit, two persons by name, Essakimuthu and Kandasamy, with



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the help of local rowdies caused damage to the shop, which was in the possession of the petitioner's wife, on 09.07.2020. The petitioner had lodged a complaint before the fourth respondent on 09.07.2020. The fourth respondent, however, instead of registering the complaint directed the petitioner to withdraw the complaint as against the aforesaid persons. The petitioner also had filed a petition under Section 156(3) of CrPC before the learned Judicial Magistrate No.3, Tuticorin for registering the FIR.

3. The learned Additional Public Prosecutor appearing for the respondent Police submitted that the fourth respondent had taken action on the complaint given by the petitioner and an FIR was registered in Crime No.660 of 2020 on the file of SIPCOT Police Station, Tuticorin for the offences under Section 448, 406 and 506(ii) IPC and Section 3 of TNPPDL Act. On the complaint given by the said Kandasamy, an FIR was registered as against the petitioner and others in Crime No.661 of 2020 for the offences under Section 448, 352 and 506(ii) IPC and Section 3 of TNPPDL Act. Both the FIRs are pending investigation. The learned Additional Public Prosecutor further submitted since action has been taken on the complaint and the counter complaint, it was found that the fourth respondent had not misused his powers.



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4. It is seen from the records that the grievance of the petitioner is that no action was taken on the complaint lodged by him. This Court finds that an FIR has been registered on the petitioner's complaint and there is an FIR pending as against the petitioner as well. In view of the above said facts, the prayer in the Writ Petition cannot be issued.

5. Hence, this Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

11.01.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm



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To

1. The Principal Secretary,
The State of Tamilnadu,
Home Department,
Fort St.George,
Chennai – 600 009.
2. The Director General of Police,
Tamil Nadu Police Department,
Kamaraj Salai,
Chennai – 600 004.
3. The Superintendent of Police,
Tuticorin District,
Tuticorin.
4. The Inspector of Police,
SIPCOT Police Station,
Tuticorin,
Tuticorin District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

Lm

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