



W.P.(MD)No.19743 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2023

CORAM

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

W.P.(MD).No.19743 of 2020

Ananda Murugan

... Petitioner

Vs.

1.The Superintendent of Police,
Theni,
Theni District.

2.The Inspector of Police,
Bodinayackanur Town Police Station,
Theni District.

3.Eswaran

...Respondents

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 herein to take action based on the petitioner's representation dated 14.12.2020 within the time limit stipulated by this Court.

For Petitioner : Mr.K.Prakash

For R-1 and R-2 : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor.

For R-3 : Mr.S.Balaji



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ORDER

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The Writ Petition has been filed seeking a writ of Mandamus directing the second respondent to take action based on the petitioner's representation dated 14.12.2020.

2. The allegation in the Writ Petition is that the petitioner was running a TVS showroom in the name of Thirupathi Motors at Aranmanai Campus, Bodinayackanur Town. His uncle, by name, Murugan had purchased the property from Muthuveerasuruliyyammal through the third respondent. There was a property dispute between the said Mr.Murugan and the third respondent. Mr.Murugan therefore lodged a complaint against the third respondent before the Deputy Superintendent of Police, Bodinayackanur on 29.07.2020. The petitioner claims that he is one of the witnesses supporting the said complaint. While so, on 02.09.2020 at about 1.30 P.M., the third respondent came to the petitioner's showroom and abused him in filthy language besides insulting his caste. The petitioner thereafter gave a complaint on 02.09.2020 and since no action was taken, he gave a representation to the first and second respondents on 14.12.2020. The respondents did not take any action on the complaint as well as his representation and hence, the Writ Petition has been filed.

3. The learned Additional Public Prosecutor appearing for the first and



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second respondents submitted that the respondents have taken action on the complaint made by the uncle of the petitioner and registered an FIR in Crime No.2650 of 2020 dated 18.09.2020 for the offences under Section 294(b), 506(1) of IPC and Section 3(1)(r), 3(1)(s) and 3(2)(va) of the Scheduled Caste and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015. In the said FIR, the allegations made by the petitioner have also been taken into account. The learned Additional Public Prosecutor further submitted that the said FIR has been stayed by this Court in CrI.O.P.(MD).No.11784 of 2020. Mr.Balaji, learned counsel, who appears for the third respondent, confirms the above fact.

4. Since the complaint given by the petitioner has already been registered in Crime No.2650 of 2020, the prayer in the Writ Petition became infructuous and hence, the Writ Petition is dismissed. There shall be no order as to costs.

05.01.2023

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

To



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Theni,
Theni District.
2. The Inspector of Police,
Bodinayackanur Town Police Station,
Theni District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SUNDER MOHAN, J.

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