



W.P.(MD)No.20803 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **28.08.2023**

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

W.P.(MD)No.20803 of 2023

Prema

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Manamadurai,
Sivagangai District.

2.The Inspector of Police,
Pazhayanoor Police Station,
Pazhayanoor,
Sivagangai District.

3.Sureshkumar

4.Alagu Sundaram

5.Kannan

6.Navaneethan

7.Thirupathi

8.Ramu

9.Muthumari



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10.Nithya

11.Ilakkiya

12.Alagu

13.Mathiyalagu

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 and 2 to take action against the respondents 3 to 13 herein based on the petitioner's complaint dated 18.07.2023 and 21.07.2023.

For Petitioner : Mr.G.Gomathisankar

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (crl.side)

ORDER

This Writ Petition is filed seeking for a Mandamus to the respondents Police to take action against the respondents 3 to 13 basing on the complaints of the petitioner dated 18.07.2023 and 21.07.2023.

2. It is submitted by the learned counsel appearing for the petitioner that the unofficial respondents have assaulted the petitioner and others on 16.07.2023 and committed an offence, basing on which, the complaints have been given to the respondents Police. However, no



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action has been taken against them. It is also submitted that the unofficial respondents 3 to 13 have been harassing the petitioner to withdraw the said complaints and thereby, suitable directions are sought for.

3. The learned Government Advocate (criminal side) appearing for the official respondents submits that when the petitioner's husband, namely, Sethuraman was examined, he has reported to the Police that no action is required to be taken against the respondents 3 to 13 and he has requested the Police to warn them. Accordingly, the respondents Police are stated to have warned the respondents 3 to 13 and closed the complaints.

4. It is also brought to the notice of the petitioner that the Police have concluded the complaint of the petitioner stating that the petitioner herself has fallen down and sustained injuries.

5. Once the Police have completed the enquiry and closed the complaint by concluding that the petitioner herself has received the injuries and not in the hands of the unofficial respondents, since the



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petitioner's husband has allegedly requested the Police not to register the case and according to the Police, no cognizable offence is committed by the respondents 3 to 13, this Court cannot direct the Police to register a case.

6. In view of the above, this Writ Petition is disposed of granting liberty to the petitioner to approach the learned Magistrate to file a complaint under section 200 Cr.P.C., if she is so advised. There shall be no order as to costs.

28.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
ssb

To

1.The Deputy Superintendent of Police,
Manamadurai,
Sivagangai District.

2.The Inspector of Police,
Pazhayanoor Police Station,
Pazhayanoor,
Sivagangai District.

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3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN,J

ssb

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