



W.P.(MD).No.643 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 22.11.2024

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD).No.643 of 2024

T.Thirumalai

...Petitioner

Vs.

1.The Inspector of Police,
V2 Police Station,
Avaniyapuram,
Madurai District.

2.The Commissioner of Police,
Office of Police Commissionerate,
Madurai District.

3.Srinivasa Perumal

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents 1 and 2 to take appropriate action against the third respondent based on the complaint dated 17.12.2023 in the light of the dictum laid down by the Honble Supreme Court of India in Lalita Kumari Vs Government of Uttar Pradesh and Ors reported in (2014) 2 SCC 1 within a time frame fixed by this Hon'ble Court.

For Petitioner
For R-1 & R-2

: Mr.S.Ramanathan
: Mr.B.Thanga Aravindh,
Government Advocate
(Criminal Side)



W.P.(MD).No.643 of 2024

ORDER

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This Writ Petition has been filed for the issue of Writ of Mandamus directing the respondent Police to act upon the complaint made by the petitioner and to register the FIR.

2. Heard the learned counsel on either side.

3. This petition is not maintainable, in view of the Order passed by a Division Bench of this Court in ***G.Prabhakaran v. The Superintendent of Police, Thanjavur*** reported in ***(2018) 2 LW CrI 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 in exercise of its jurisdiction under Section 482 of Cr.P.C. 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 petitioner to workout his remedy as per the directions issued by the Division Bench in the order referred supra.



W.P.(MD).No.643 of 2024

4. This Writ Petition is disposed of accordingly. No costs.

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22.11.2024

Index : Yes/No

Internet : Yes/No

TSG

To

1. The Inspector of Police,
V2 Police Station,
Avaniyapuram,
Madurai District.
2. The Commissioner of Police,
Office of Police Commissionerate,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH.J.,

TSG

**Order made in
W.P.(MD).No.643 of 2024**

**Dated :
22.11.2024**