



WP(MD) No.3736 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.02.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD) No.3736 of 2024

S.K.Ramkumar

... Petitioner

/vs./

1.The Commissioner of Police,
Madurai District.

2.The Inspector of Police,
Thallakulam Police Station,
Madurai.

3.K.Rajasankar

4.S.Sanmugaraj

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd Respondent to take appropriate action under the Criminal Law pursuant to the Petitioner complaint dated 17.12.2023 in the light of the dictum laid down by the Hon'ble Supreme Court of India in the case of Lalita Kumari vs. Government of Uttar Pradesh and Ors. reported in (2014) 2 SCC 1 as expeditiously as possible within the time stipulation as prescribed by this Court.



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For Petitioner : Mr.Srinivasagandhi

For R1 & R2 : Mr.T.Senthil Kumar
Additional Public Prosecutor

ORDER

The learned Counsel for the Petitioner submits that the Petitioner had filed this Writ Petition seeking direction against the second Respondent to consider the complaint of the Petitioner dated 17.12.2023. Also, the learned Counsel for the Petitioner submits that the third Respondent is alleged to have obtained the mortgage deed without original documents, for which the Petitioner herein had given a complaint to the District Registrar concerned. He had held an enquiry and found out that there are materials supporting the contention of the learned Counsel for the Petitioner. Therefore, the District Registrar had ordered investigation by the Police.

2.The learned Additional Public Prosecutor, on instructions of the Respondents 1 and 2, would submit that the Petitioner's complaint was taken on file and registered as CSR.No.1520 of 2023, in which summon was issued to



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various persons including the Petitioner's sister, who had approached this Court by filing CrI.O.P.(MD) No.663 of 2024, in which an order was passed by this Court on 18.01.2024. He would further submit that after registration of the CSR, enquiry was conducted and after enquiry, it was closed, as there is a civil dispute between brothers.

3.Recording the submission of the learned Additional Public Prosecutor, the Petitioner is within his rights to approach the learned Judicial Magistrate by filing appropriate Petition. From the typed set of papers, it is found that the photostated copies furnished by the Petitioner are having the seal of the learned Judicial Magistrate No.2, Madurai. Therefore, he had initiated some proceedings before the Court. Subsequently, he had filed this Petition. It is for the Petitioner to assert his right by filing appropriate Petition before the learned Judicial Magistrate No.2, Madurai, seeking directions to register the FIR based on the recommendation of the District Registrar.



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Accordingly, the Writ Petition is closed. No costs.

20.02.2024

Index : Yes / No

Internet : Yes / No

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TO:

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Madurai District.
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Thallakulam Police Station,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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Order made in
W.P.(MD)No.3736 of 2024

Dated:
20.02.2024