



W.P(MD)No.5967 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.03.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.P(MD)No.5967 of 2024

Balasubramanian,

... Petitioner

Vs

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

2. The Inspector of Police,
Virudhunagar Rural Police Station,
Virudhunagar,
Virudhunagar District.

... 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 to take appropriate action on the petitioner's complaint dated 26.01.2024 in connection with CSR No.9 of 2024.

For Petitioner : Mr.V.Maharajan

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)



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ORDER

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The learned Counsel appearing for the Petitioner submit that the Petitioner is serving as Driver in TNSSTC at Virudhunagar District.

2.It is the contention of the learned Counsel appearing for the Petitioner that based on the request for providing leave, there was an altercation between the Petitioner and the Branch Manager concerned. Instead of the Petitioner's complaint, the Respondent Police had taken the complaint of the Branch Manager and foisted a case under Section 294(b), 323, 353 and 506(1) IPC. But for the complaint preferred by the Petitioner, only CSR was assigned. Aggrieved by the same, the Petitioner had filed this petition seeking a direction against the respondents to register a case based on the complaint of the Petitioner, dated 26.01.2024.

3.The learned Government Advocate (Crl.Side) vehemently objected to the same stating that the Petitioner is alleged to have indulged in the offences under Section 294(b), 323, 353 and 506(1) IPC against the Branch Manager TNSSTC, Virudhunagar District. The learned Government Advocate (Crl.Side) invite the attention of this Court by



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stating the contents of the FIR registered against the Petitioner.

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4.It is the contention of the learned Government Advocate (Crl.Side) that the Petitioner has to approach the Court of the learned Judicial Magistrate, Virudhunagar, seeking a direction regarding the complaint preferred by the Petitioner. Only on the basis of enquiry, the Respondent Police had registered a case against the Petitioner and others, who had threatened the Branch Manager.

5.Considering the submission made by the learned Counsel appearing for the Petitioner and the learned Government Advocate(Crl.Side) that the Respondent Police had registered only CSR as against the complaint of the Petitioner as he had alleged to have questioned the Branch Manager along with colleagues resulting in the Branch Manager, Virudhunagar, giving a complaint against the Petitioner which was registered as FIR in Crime No.17 of 2024, the Petitioner is directed to approach the learned Judicial Magistrate No.II, Virudhunagar to file appropriate petition as case and counter.



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6.The learned Judicial Magistrate No.II, Virudhunagar, is directed to consider the petition to be filed by the Petitioner, regarding the CSR registered by the Respondent Police, the learned Judicial Magistrate No.II, Virudhunagar, shall conduct enquiry and pass appropriate orders as per law, before proceeding with taking the charge sheet on file.

7.With the above directions, this writ petition is disposed of. No costs.

13.03.2024

Index :Yes/No
Internet: Yes/No
LR



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To

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1. The Judicial Magistrate No.II, Virudhunagar

2. The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

3. The Inspector of Police,
Virudhunagar Rural Police Station,
Virudhunagar,
Virudhunagar District.

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



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SATHI KUMAR SUKUMARA KURUP, J.

LR

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