



W.P.(MD).No.13390 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 08.11.2024

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD).No.13390 of 2023

S.Arulmary

...Petitioner

Vs.

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

2.The Inspector of Police,
Pattukottai Police Station,
Pattukottai.

3.Thangaraj

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the second respondent to conduct enquiry and initiate appropriate action against the third respondent by considering the petitioner's complaint dated 22.04.2023.

For Petitioner : Mr.C.Karthikeyan

For R-1 & R-2 : Mr.|A.Albert James,
Government Advocate
(Criminal Side)

For R-3 : Mr.P.Gokulnath



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ORDER

This petition has been filed for the issue of Writ of Mandamus directing the second respondent to conduct enquiry and initiate appropriate action against the third respondent by considering the petitioner's complaint dated 22.04.2023.

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



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his remedy as per the directions issued by the Division Bench in the order referred supra.

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

08.11.2024

Index : Yes/No

Internet : Yes/No

TSG

To

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

2. The Inspector of Police,
Pattukottai Police Station,
Pattukottai.

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.13390 of 2023

Dated :
08.11.2024