



W.P(MD)No.18965 of 2024

WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 07.08.2024

CORAM :

**THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR**

W.P.(MD)No.18965 of 2024

J.John

...Petitioner

Vs.

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

2.The Inspector of Police,  
Sivaganga Taluk Police Station,  
Sivaganga District.

3.Manikandan  
Inspector of Police,  
Sivaganga Taluk Police Station,  
Sivaganga.

4.Prabhu  
Sub-Inspector of Police,  
Sivaganga Taluk Police Station,  
Sivaganga.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first



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respondent to take appropriate action against the erring police officials respondents 3 and 4 in the light of the Apex Court Judgment in the case of Lalitha Kumari or any other order deemed to be fit and proper of the circumstances of this case.

For Petitioner : Mr.D.Senthil  
for Mr.G.Santhana Mahaarajan

For R1 & R2 : Mr.E.Antony Sahaya Prabahar  
Additional Public Prosecutor

### **ORDER**

The Writ Petition has been filed, invoking Article 226 of the Constitution of India, seeking a Writ of Mandamus, directing the first respondent to take appropriate action against the erring police officials respondents 3 and 4 in the light of the Apex Court Judgment in the case of Lalitha Kumari or any other order deemed to be fit and proper of the circumstances of this case.

2. Mr.E.Antony Sahaya Prabahar, learned Additional Public Prosecutor takes notice for the respondents 1 and 2. By consent, this writ petition is taken up for final disposal at the admission stage itself.



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3. It is not in dispute that the writ petitioner's father has filed a suit for declaration and injunction and the same went upto the Hon'ble Supreme Court as SLP which came to be filed by the writ petitioner's father.

4. The main contention of the writ petitioner is that though the writ petitioner and his father have preferred complaints, the respondents police has not taken any action and they have been dragging the matter on some pretext or the other.

5. The learned Additional Public Prosecutor appearing for the respondents 1 and 2 would submit that on the basis of the complaint lodged by the other side, CSR No.633 of 2024 came to be registered and on the basis of the complaints lodged by the writ petitioner as well as his father, CSR Nos.636 and 637 of 2024 came to be registered and the same are under enquiry.

6. As rightly contended by the learned Additional Public Prosecutor appearing for the respondents 1 and 2, when enquiry is



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pending, the way in which serious allegations levelled against the respondents police 3 and 4 without any basis, cannot be accepted and that the writ petitioner went to the extent of saying that the respondents 3 and 4 are acting in favour of the other side by sharing 1/3<sup>rd</sup> of the theft property.

7. Considering the above, this Court is of the view that the present petition is a clear abuse of process of law/Court and as such, the same is liable to be dismissed.

8. In the result, the Writ Petition stands dismissed. No costs.

**07.08.2024**

NCC :Yes/No  
Index :Yes/No  
Internet : Yes/ No  
csm

To

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



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- 2.The Inspector of Police,  
Sivaganga Taluk Police Station,  
Sivaganga District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**K.MURALI SHANKAR, J**

csm

**Order made in  
W.P.(MD)No.18965 of 2024**

**Dated : 07.08.2024**