



W.P.(MD)No.19952 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED:11.11.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.19952 of 2023

G.Palaniappan

... Petitioner

Vs.

1.The Superintendent of Police,
Pudukkottai District.

2.The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.

3.Karthe Kannaiayan

4.Raja Kannu Ambalam

5.Yogeswari

6.Murugan

7.M.Ramu

8. M.Jaisirani

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent No.1 and 2



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herein to conduct enquiry and take appropriate action against the respondent Nos.3 to 8 on the basis of the petitioner complaints dated 03.07.2023 and its remainder dated 14.07.2023, 21.07.2023 and 01.08.2023 within a stipulated time period in accordance with law.

For Petitioner : Mr.C.Senthil Murugan

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)
for R1 and R2

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the first and second respondents to conduct enquiry and take appropriate action against the respondents 3 to 8 on the basis of the petitioner's complaint.

2.Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the first and second respondents.

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 Crl 489***.



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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. In exercise of jurisdiction under Section 482 of Cr.P.C. what cannot be achieved by filing a petition under Section 482 of Cr.P.C. cannot be indirectly sought to be achieved by filing a writ petition under Article 226 of the Constitution of India. 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.

4.This Writ Petition is disposed of accordingly.

11.11.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PKN

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To

- 1.The Superintendent of Police,
Pudukkottai District.
- 2.The Inspector of Police,
Aranthangi Police Station,
Pudukkottai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH,J.

PKN

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