



W.P(MD)No.25001 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.25001 of 2024

A.Subramaniyan

...Petitioner

Vs.

1.The Superintendent of Police,
Tirunelveli District.

2.The Commissioner of Police,
Madurai City,
Alagar Kovil Road,
Madurai.

3.The Inspector of Police,
Valliyur Police Station,
Tirunelveli 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 first respondent to transfer the petitioner's complaint dated 23.09.2024 to the second respondent for further course of action within the time limit stipulated by this Court.

For Petitioner : Mr.D.Selvanayagam

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor



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ORDER

The Writ Petition has been filed seeking orders to direct the first respondent to transfer the writ petitioner's complaint dated 23.09.2024 to the second respondent for further course of action within the time limit stipulated by this Court.

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

3. When the matter is taken up for hearing today, the learned Additional Public Prosecutor appearing for the respondents would submit that on the basis of the complaint given by the writ petitioner, enquiry was conducted in current paper and the same was ordered to be closed. He would further submit that the concerned accused has created a Noon Traceable Certificate, as if, it was given by the Anna Nagar Police Station, Madurai and on the basis of the jurisdiction, the complaint was closed.



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4. It is pertinent to note that the Hon'ble Supreme Court has given a specific direction that whenever a person lodges complaint disclosing cognizable offence at any police station, the police is duty bound to register a Zero FIR and the same has to be transferred to the jurisdictional Police, but the third respondent, without following the direction of the Hon'ble Supreme Court, has mechanically closed the complaint.

5. Considering the above, the third respondent is directed to transfer the writ petitioner's complaint pending before him to the jurisdictional Police within a period of one week from the date of receipt of a copy of this order.

6. With the above direction, the Writ Petition stands disposed of.

No costs.

23.10.2024

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



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K.MURALI SHANKAR, J

csn

To

- 1.The Superintendent of Police,
Tirunelveli District.
- 2.The Commissioner of Police,
Madurai City,
Alagar Kovil Road,
Madurai.
- 3.The Inspector of Police,
Valliyur Police Station,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
W.P.(MD)No.25001 of 2024

Dated : 23.10.2024