



W.P(MD)No.25456 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.10.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.25456 of 2024

and

W.M.P.(MD)No.21611 of 2024

C.Nalini

...Petitioner

Vs.

1.The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.

2.The Sub Registrar,
Marthandam Joint I,
Kanyakumari District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned proceedings of the first respondent dated 06.06.2024 and quash the same as illegal and consequently direct the first respondent to initiate criminal prosecution as per the proceedings of the second respondent in Na.Ka.No.871/U/2024 dated 22.04.2024 under Section 83 of the Registration Act.



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For Petitioner : Mr.R.J.Karthick
For R1 : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor
For R2 : Mr.M.Muthumanikkam
Government Advocate (Civil Side)

ORDER

The Writ Petition is directed against the order dated 06.06.2024 passed by the first respondent and for direction to the first respondent to initiate criminal prosecution as per the proceedings of the second respondent in Na.Ka.No.871/U/2024 dated 22.04.2024 under Section 83 of the Registration Act.

2. Mr.E.Antony Sahaya Prabahar, learned Additional Public Prosecutor takes notice for the first respondent and Mr.M.Muthumanikkam, learned Government Advocate (Civil Side) takes notice for the second respondent. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3. The learned Additional Public Prosecutor appearing for the first respondent would submit that the writ petitioner has earlier filed a



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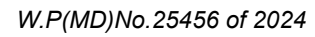
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petition under Section 156(3) Cr.P.C. in CrI.M.P.No.5313 of 2022 seeking direction for registration of FIR and in pursuance of the direction of the learned Magistrate, FIR came to be registered in Crime No.38 of 2022 and after investigation, they have filed the final report as 'further action dropped' and that the writ petitioner has filed a protest petition.

4. The learned counsel appearing for the writ petitioner would submit that the protest petition is still pending.

5. It is evident from the records that subsequently the writ petitioner has given a petition before the second respondent and the second respondent has sent a letter to the first respondent to take action against the persons, who had created bogus life certificate, for which, the first respondent has sent a reply dated 06.06.2024, which is impugned in the present writ petition, stating that since the life certificate was issued in Dubai, they could not proceed further.

6. As rightly pointed out by the learned Additional Public Prosecutor, challenging the final report, the writ petitioner has filed a



25.10.2024

To

1. The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
2. The Sub Registrar,
Marthandam Joint I,
Kanyakumari 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.25456 of 2024
and
W.M.P.(MD)No.21611 of 2024

Dated : 25.10.2024