



W.P.(MD)No.27566 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED:15.11.2024

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.27566 of 2023

K.Periyasamy Gounder

... Petitioner

Vs.

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

2. The Inspector of Police,
Velayuthampalayam Police Station,
Velayuthampalayam, Karur District.

3. Murugesan

4. Ilavarasan

5. R.Chellappan

6. C.Yogeshwaran

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 1st respondent to issue necessary direction to the 2nd respondent to take appropriate action as against Respondents No.3 to 6 on the basis of the petitioners representation dated 13.10.2023 made to the Respondents No.1 and 2.

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For Petitioner : Mr.A.Ramesh
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 respondents to take appropriate action on the complaint of the petitioner dated 13.10.2023.

2.Heard the learned counsel for the petitioner and the learned Government Advocate appearing on behalf of the 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***. 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



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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.

15.11.2024

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



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



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N.ANAND VENKATESH,J.

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