



W.P(MD) No.27421 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 28.11.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P(MD) No.27421 of 2023

Sugantha

... Petitioner

Vs

1. The Superintendent of Police,
O/o. Superintendent of Police,
Dindigul District.

2. The Deputy Superintendent Of Police,
O/o. Deputy Superintendent of Police,
Dindigul District.

3. The Inspector of Police,
South Police Station,
Dindigul District.

4. Mariyammal

5. Kokilavani

(R4 and R5 are *suo-motu* impleaded as per order
of this Court, dated 20.11.2023)

... Respondents

1/5



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PRAYER: Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Mandamus, directing the 3rd respondent to consider the petitioner representation dated 30.09.2023 and dispose the same within a time frame in accordance with law.

For Petitioner : Mr.M.Saravanan

For Respondent : Mr.B.Thanga Aravindh (R1-3)

Government Advocate (Crl.Side)

ORDER

This Writ Petition has been filed to direct the 3rd respondent to consider the petitioner's representation dated 30.09.2023.

2.The petitioner has given a complaint before the respondent police to register an FIR against the respondents 4 and 5. However, the said complaint has been kept pending without registering an FIR.

3.In *Sugesan Transport Pvt. Ltd v. The Assistant Commissioner of Police*, reported in **2016 (5) CTC 577**, the Division Bench had held that the petition under Section 482 of Cr.P.C. is not maintainable before the High



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Court seeking for registration of an FIR. If the complaint given is not acted upon, the party can always approach the learned Magistrate and file an application under Section 156(3) of Cr.P.C. Once such application is filed, the Magistrate has to apply his mind and see if the complaint makes out a cognizable offence. In such an event, the Magistrate has to direct the registration of FIR by the police.

4. With the above direction, this Writ Petition stands disposed of.

28.11.2024

Internet : Yes
Index : Yes/No
NCC : Yes/No
PNM



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To

1. The Superintendent of Police,
O/o. Superintendent of Police,
Dindigul District.

2. The Deputy Superintendent Of Police,
O/o. Deputy Superintendent of Police,
Dindigul District.

3. The Inspector of Police,
South Police Station,
Dindigul District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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N.ANAND VENKATESH, J.

PNM

**ORDER IN
W.P(MD) No.27421 of 2023**

28.11.2024