



W.P(MD)No.4120 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 22.02.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4120 of 2024
and
W.M.P(MD)No.3967 of 2024

I.Mydeen Bathusa

... Petitioner

Vs.

1.The Superintendent of Police,
Tenkasi District.

2.The Inspector of Police,
District Crime Branch,
Tenkasi District.

3.S.M.Mohamed Arafsa

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the report dated 06.11.2023 of the second respondent which has been made ready pursuant to the petitioner's complaint dated 26.10.2023 and quash the same and also consequently



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direct the first respondent to invoke his jurisdiction under section 154(3) of Cr.P.C by investigating the same and to proceed further in accordance with law.

For Petitioner : Mr.R.Anand

For Respondents : Mr.A.Albert James
Government Advocate (Criminal Side)
for R.1 & R.2

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the official respondents.

2. The petitioner felt aggrieved that the second respondent did not take action on his complaint. He therefore moved the first respondent. The petitioner wants the first respondent to invoke his power under Section 154 (3) of Cr.P.C.

3. I am of the view that the petitioner need not come to this Court at all. If the first respondent did not exercise his power under Section



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154 (3) of Cr.P.C, the petitioner could have gone before the jurisdictional Magistrate and sought direction under Section 156 (3) of Cr.P.C. The petitioner can also file a private complaint. When such effective remedies are available, the question of moving this Court will not arise at all.

4. Granting liberty to the petitioner to exhaust his other remedies, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

22.02.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
MGA

To

1.The Superintendent of Police,
Tenkasi District.

2.The Inspector of Police,
District Crime Branch,
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G.R.SWAMINATHAN, J.

MGA

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