
(2008) 12 MAD CK 0030

In the Madras High Court

Case No : Writ Petition (MD) No. 11657 of 2008 and M.P. (MD) No. 1 of 2008

C. Prasannakumari

APPELLANT

Vs

The State of Tamilnadu

RESPONDENT

Date of Decision : 18-12-2008

Acts Referred:

Criminal Procedure Code, 1973 (CrPC) — Section 156(3)

Citation : (2008) 12 MAD CK 0030

Hon'ble Judges : G. Rajasuria, J

Bench : Single Bench

Advocate : T. Jeen Joseph, for the Appellant; D. Sasikumar, Government Advocate, for the Respondent

Judgement

G. Rajasuria, J.

This writ petition has been filed to direct the respondents to take action on the complaint of the petitioner dated 18.11.2008 and consequently

direct the respondents not to harass the petitioner.

2. Heard the learned Counsel for the petitioner and also Mr. D. Sasikumar, learned Government Advocate, who took notice on behalf of the respondents.

3. Animadverting upon the inaction on the part of the police in not responding to the complaint dated 18.11.2008 lodged by the petitioner with the police, this writ petition is focused for issuing direction to the police.

4. The learned Counsel for the petitioner by placing reliance on the affidavit accompanying the writ petition would develop his arguments to the effect that the police was duty bound to register First Information Report based on the complaint, which disclosed cognizable offences, but no

action has been taken.

5. Heard the learned Government Advocate.

6. The learned Counsel for the petitioner would submit that he would be satisfied if necessary direction is given that the petitioner shall approach the Magistrate concerned u/s 156(3) Cr.P.C.

7. At this juncture, my mind is reminiscent and redolent with the judgment of this Court dated 18.07.2007 in CrI.O.P(MD)No.6616 of 2007,

communicated vide circular ROC. No. 1110B/07/F/MB P.Dis. No. 5/2007, dated 30.07.2007, which was circulated to all Magistrates in Tamil

Nadu, which would adequately protect the interest of the petitioner. I could recollect fruitfully the decision of the Hon"ble Apex Court in Sakiri

Vasu Vs. State of U.P. and Others, , which also would posit the aforesaid legal proposition only.

8. If at all the petitioner is aggrieved by the inaction on the part of the police officials in registering a case, it is for him to file necessary application

u/s 156(3) Cr.P.C. before the Magistrate concerned, who was expected to act in accordance with law and as per the aforesaid decisions cited

supra. As such the petitioner is directed to resort to such a procedure.

9. With the above said observation and direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.