



W.P.(MD)No.5204 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2023

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THE HON'BLE MR.JUSTICE P.DHANABAL

W.P.(MD)No.5204 of 2021

R.Palaniyappan

... Petitioner

Vs.

- 1.The Superintendent of Police,
Madurai Superintendent Police Office,
Surveyor Colony, Madurai-7.
- 2.The Deputy Superintendent of Police,
Melur Deputy Superintendent Police Office,
Melur, Madurai District.
- 3.The Inspector of Police,
Melur Police Station,
Melur, Madurai District.

4.Muthukrishnan

5.Thavamani

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representation dated 11.02.2021 within a time frame stipulated by this Court.



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For Petitioner : Mr.S.A.Ajmalkhan
For R1 to R3 : Mr.R.M.Anbunithi,
Additional Public Prosecutor

ORDER

This Writ Petition has been filed to direct the respondents 1 to 3 to consider the petitioner's representation dated 11.02.2021 within a time frame stipulated by this Court.

2. According to the petitioner, he has one son namely Ramamoorthy and one daughter namely Saranya. On 04.12.2016, Saranya got married one Muthukrishnan. At that time, the said Muthukrishnan received 51 sovereigns of gold jewels and other household articles. Due to some misunderstanding between husband and wife, the daughter of the petitioner committed suicide by hanging herself on 22.09.2019 in her partial home at Kailampatti, Melavalavu post, Melur. The petitioner's daughter had one female child and his son-in-law and his father, who are the fourth and fifth respondents herein, had agreed to hand over the sridhana jewels within one year, i.e., 18.10.2020.



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Further, they had agreed to return Rs.2 Lakhs within three months, which was received for purchasing car. They also agreed that the grand-daughter may live with the petitioner. On 23.10.2019, the fourth and fifth respondents herein executed consent deed to return the above said articles. However, they failed to return the articles as they agreed. Thereafter, on 05.11.2020, the fourth and fifth respondents gave a written undertaking before the second respondent stating that they will return 25 sovereigns of jewels on 31.12.2020 and they will return 26 sovereigns of jewels on 28.02.2021. But, so far, they have not returned the jewels and when the same was questioned by the petitioner, they abused him in filthy language and also threatened him with dire consequences. Hence, the petitioner lodged a complaint dated 11.02.2021 before the official respondent through registered post and the same was received and acknowledged by them. But, till date no action was taken by the official respondents. Hence, the petitioner filed the present petition.

3.The learned counsel appearing for the petitioner would contend that the petitioner has given complaint dated 11.02.2021 through



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registered post to the official respondents herein for the criminal acts done by the fourth and fifth respondents. However, they have not taken any steps. Hence, the petitioner filed this writ petition.

4.Though notice was served on the private respondents, they failed to appear through learned counsel or in-person and the official respondents are competent persons to consider the representation of the petitioner, in the absence of the private respondents, this Court is disposing this writ petition.

5.The learned Additional Public Prosecutor appearing for the official respondents would contend that the representation of the petitioner was already considered and the same was closed on 15.03.2021.

6.At this juncture, the learned counsel appearing for the petitioner would contend that the petitioner was not enquired by the official respondents and without any enquiry, they closed the complaint of the petitioner.



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7.The specific prayer of the petitioner is that to consider his representation dated 11.02.2021. As per the contention of the official respondents, the representation of the petitioner was considered and the same was closed. Therefore, the petitioner is at liberty to approach the concerned Jurisdictional Magistrate for appropriate order, in accordance with law. Accordingly, this writ petition is disposed of. No costs.

19.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

- 1.The Superintendent of Police,
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- 2.The Deputy Superintendent of Police,
Melur Deputy Superintendent Police Office,
Melur, Madurai District.
- 3.The Inspector of Police,
Melur Police Station,
Melur, Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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P. DHANABAL,J.

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