

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 4.9.2015

CORAM

THE HON'BLE MR.JUSTICE M.JAICHANDREN

W.P.No.24379 of 2012

Rajendiran

...Petitioner

vs.

1. The Commissioner of Police
Office of the Commissioner of Police
Egmore, Chennai

2. Mr.Mathi
Inspector of Police
C-1, Flower Bazar Police Station
Chennai

...Respondent

This writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent to take necessary action on the 2nd respondent consequently nominate some other officer to enquire the petitioner's complaint dated 22.8.2012.

For Petitioner : Mr.N.Subramani

For Respondents : Mr.R.Ravichandran, AGP

O R D E R

Heard the learned counsels appearing for the parties concerned.

2. This writ petition has been filed praying that this Court may be pleased to issue a writ of Mandamus to direct the first respondent to take necessary action against the second respondent for his failure to register a complaint made by the petitioner, dated 22.8.2012, and for the harsh words used by him against the petitioner, when he had gone to meet the second respondent to file the said complaint.

3. It has been submitted that the petitioner is a goldsmith. He had decided to buy a hallmarking machine and to start a hallmarking centre. Therefore, the petitioner had approached the Citizon Scales (I) Private Limited, at Chennai, to buy a machine. Even though the petitioner had paid a sum of Rs.1,00,000/-, as advance, the Citizon Scales (I) Private Limited had failed to deliver the machine as promised by the said Company. Therefore, the petitioner had lodged a complaint before the second respondent, dated 22.8.2012, for taking necessary action against the said Company. Since, no action had been taken by the second respondent, the petitioner had preferred the present writ petition before this Court, under Article 226 of the Constitution of India.

4. A counter affidavit has been filed by the second respondent stating that the present writ petition is not maintainable, as it is for the petitioner to avail the remedies available to him before a civil forum, as it relates to the alleged breach of contract between the petitioner and the Citizon Scales (I) Private Limited.

5. It has also been submitted that the petitioner could approach the civil forum for seeking his relief against the Company concerned or he could invoke the relevant provisions of the Criminal Procedures Code, 1908, for seeking the remedies. However, it would not be open to the petitioner to invoke the writ jurisdiction of this Court, under Article 226 of the Constitution of India.

6. In view of the submissions made by the learned counsels appearing for the parties concerned and on a perusal of the records available, this Court is of the considered view that the relief prayed for by the petitioner, in the present writ petition, cannot be granted. It is for the petitioner to seek his relief before the appropriate forum, either by invoking the civil jurisdiction of the Court concerned, or by invoking the relevant provisions of the Criminal Procedure Code, 1908, if so advised, in the manner known to law. In such circumstances, this Court finds it appropriate to dismiss the writ petition, as it is devoid of merits. Hence, this writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS-III)

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Sub Assistant Registrar

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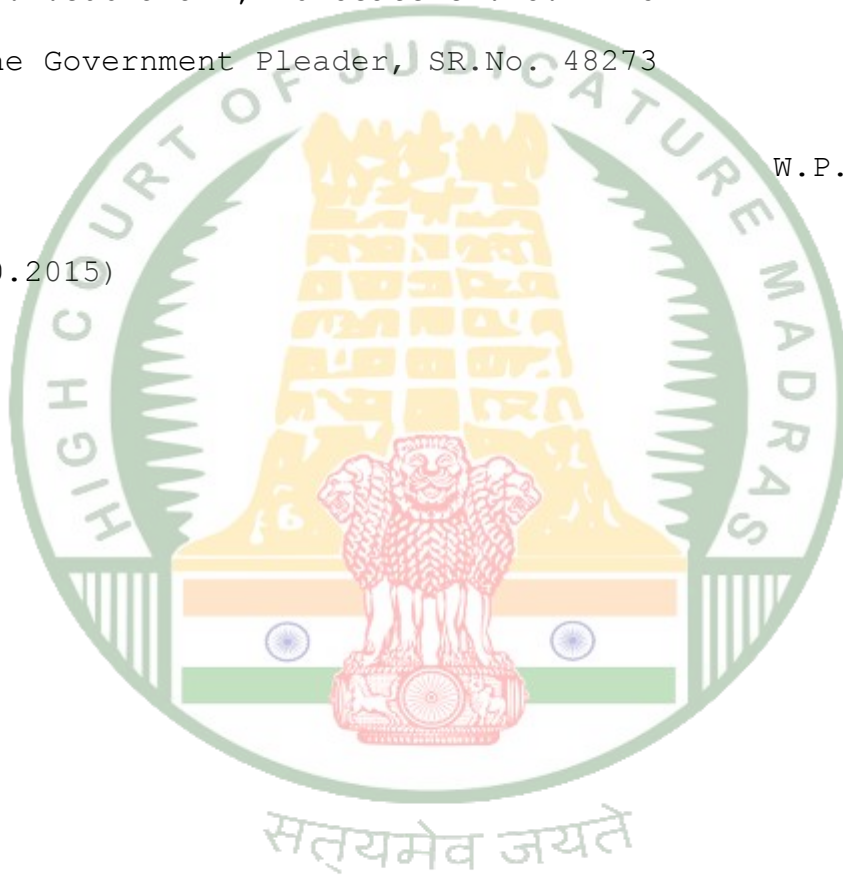
The Commissioner of Police
Office of the Commissioner of Police
Egmore, Chennai

1 CC to Mr.N.Subramani, Advocate SR.No. 47757

1 CC to the Government Pleader, SR.No. 48273

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VGI (CO)
PSI (01.10.2015)



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