

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2016

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THE HON'BLE MR.JUSTICE M.JAICHANDREN

W.P.No.8353 of 2014

and

M.P.No.1 of 2014

M.Palanichamy

.. Petitioner

Vs.

- 1.State of Tamil Nadu,  
represented by its Secretary,  
Home Department,  
Fort St. George,  
Chennai-600 009.
- 2.The Director General of Police,  
Office of the Director General of Police,  
Radhakrishnan Salai,  
Chennai-600 004.
- 3.The Joint Commissioner of Police (West),  
Office of the Joint Commissioner of Police,  
Ambattur,  
Chennai-600 058.
- 4.The Deputy Commissioner of Police,  
Avadi Range,  
Avadi,  
Chennai-600 054.
- 5.The Inspector of Police (L&O),  
Thirumullaivoyal Police Station,  
Thirumullaivoyal,  
Chennai-600 062.

.. Respondents

The writ petition is filed under Article 226 of the Constitution of India praying for the issue of a writ of mandamus, directing the respondents to take necessary and strict action on the complaint lodged with the fifth respondent, by the petitioner, on 25.2.2014.

For Petitioner : Mr.Prakash Goklaney

For Respondents : Mr.P.Karthikeyan, GA

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ORDER

Heard.

2 This writ petition has been filed by the petitioner, praying that this Court may be pleased to issue a Writ of Mandamus, directing the respondents to take necessary and strict action, on the complaint lodged with the fifth respondent, by the petitioner, on 25.2.2014.

3 At this stage of the hearing of the writ petition, the learned counsel appearing on behalf of the fifth respondent had submitted a counter affidavit, dated 17.4.2014, before this Court. Paragraphs 4 and 5 of the counter affidavit read as follows :

"4. Regarding Paragraphs 6 to 11, it is respectfully submit that the Writ Petitioner has made exaggerated and motivated averments against the Police. The brief fact of the case is as follows: On 16.03.2013 Writ Petitioner herein Thiru Palanichamy, S/o.Muniandi, residing at the above address has lodged a complaint at T.10 Thirumullaivoyal Police Station, stating that he is the Managing Director of M/s.Galaxy Amaze System Pvt. Ltd., Chennai and his factory is situated in Ambathur O.T. To meet out his financial needs, he borrowed Rs.65 Lakhs from Thiru Dinakaran Accused (A.1) for a value of Re.1 Crore for Plot No.11 along with the building situated behind his house. He has further stated that the accused (A.1) has assured him to give Re.1 Crore as loan amount for interest at 24%, but he had given him only Rs.65 Lakhs after taking Rs.3 Lakhs for one Sankar Ganesh (A.2) as commission and deducting Rs.5 Lakhs as the first installment and thus, he received only Rs.57 Lakhs. The writ Petitioner has further stated that he had returned Rs.72 Lakhs in a span of 6 months and asked for return of the deeds given in favour of A.3 Sathishkumar, but accused Thiru Dinakaran and his henchmen threatened and intimidated him to pay more amount. While so, when

the Writ Petitioner went to T.Nagar to his relative's house, taking advantage of his absence, accused A.1 Dinakaran and his henchmen viz. Sankar Ganesh (A.2), Sathish Kumar (A.3) and Ravi (A.4) and some others had come to his house, intimidated the watchman, trespassed into the house of the Writ Petitioner, damaged the floor of the Portico and erected along wall to the height of 3 feet using bricks and escaped from the spot. Hence, the Writ Petitioner has requested to take action against the offenders. Based on the complaint of the Writ Petitioner, a case in T.10 Thirumullaivoyal P.S. Crime No.253/2014 under sections 341, 147, 427, 448, and 506(ii) I.P.C. was registered by Thiru Koteeswaran, Sub-Inspector of Police on 16.3.2013 at 14.00 hours and took up the investigation of the case.

ii) Initial investigation by the Sub Inspector of Police, revealed the fact that the accused (A.1) and his henchmen have trespassed into the house of the Writ Petitioner and damaged the floor, furniture and other articles inside the house. During the course of investigation, the Sub Inspector of Police has arrested Thiru Abbas (aged 24) s/o.Abdul Khader, Thiru M.Saravanan (aged 25) s/o.Murugan and Thiru G.Saravanan (aged 26), s/o.Gunasekarn on 16.3.2014 and enquired. After enquiry, he produced them before the Judicial Magistrate, Ambathur and remanded them to judicial custody. On 17.03.2014, the Sub Inspector of Police has arrested Thiru R.Sathishkumar (aged 27), s/o.Rajendran and Thiru J.Ravi Dorai, (aged 42) s/o.James Anthony and remanded them to judicial custody after enquiry. On 19.03.2014, the Sub Inspector of Police has also arrested Thiru P.S.Sankar Ganesh, (aged 39) s/o.Swaminathan, Thiru S.Suresh (aged 44), s/o.Seshadri and Thiru P.Ramki, (aged 24), s/o.Palani and remanded them to the judicial custody. Accused A.1 Dinakaran was absconding. Based on the further statement of the Writ Petitioner and his son that the C.C.T.V. camera was also damaged by the accused, the Sub Inspector of Police has visited the scene of occurrence and found the further statement of the Writ Petitioner and his son, are true. Further examination of witnesses revealed the commission of cheating committed by the accused A.1 and others by creating a mortgage deed for Re.1 Crore and paid only Rs.57 Lakhs. Despite the repayment of Rs.72 Lakhs by the Writ Petitioner, the accused (A.1) and his henchmen have threatened and

demanded exorbitant amount. Hence, on 10.03.2014, the Sub Inspector of Police has filed a Section alteration report before the Judicial Magistrate, Ambathur.

5. In the meantime, accused (A.1) Thiru Dinakaran has filed an anticipatory bail petition before this Hon'ble High Court, Madras in CrI.O.P.No.6855/2014. I took up further investigation in this case on 19.03.2014. I have filed objection petition in the above CrI.O.P.No.6855/2014 on 20.03.2014 agitating against the Anticipatory bail.

ii) During the course of investigation, accused A.1 Thiru V.S.J.Dinakaran (Male aged 35) s/o.Jayaraman was arrested by me on 22.03.2014 and after enquiry, he was produced before the Judicial Magistrate, Ambathur on 22.03.2014 and remanded him to judicial custody. The case is under investigation."

4 In view of the averments made in the counter affidavit filed by the fifth respondent, this Court is of the considered view that no further orders are necessary, in the present writ petition. Hence, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

True Copy

सत्यमेव जयते  
Sub-Assistant Registrar

vvk

To

- 1.The Secretary,  
State of Tamil Nadu,  
Home Department,  
Fort St. George,  
Chennai-600 009.

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2.The Director General of Police,  
Office of the Director General of Police,  
Radhakrishnan Salai,  
Chennai-600 004.

3.The Joint Commissioner of Police (West),  
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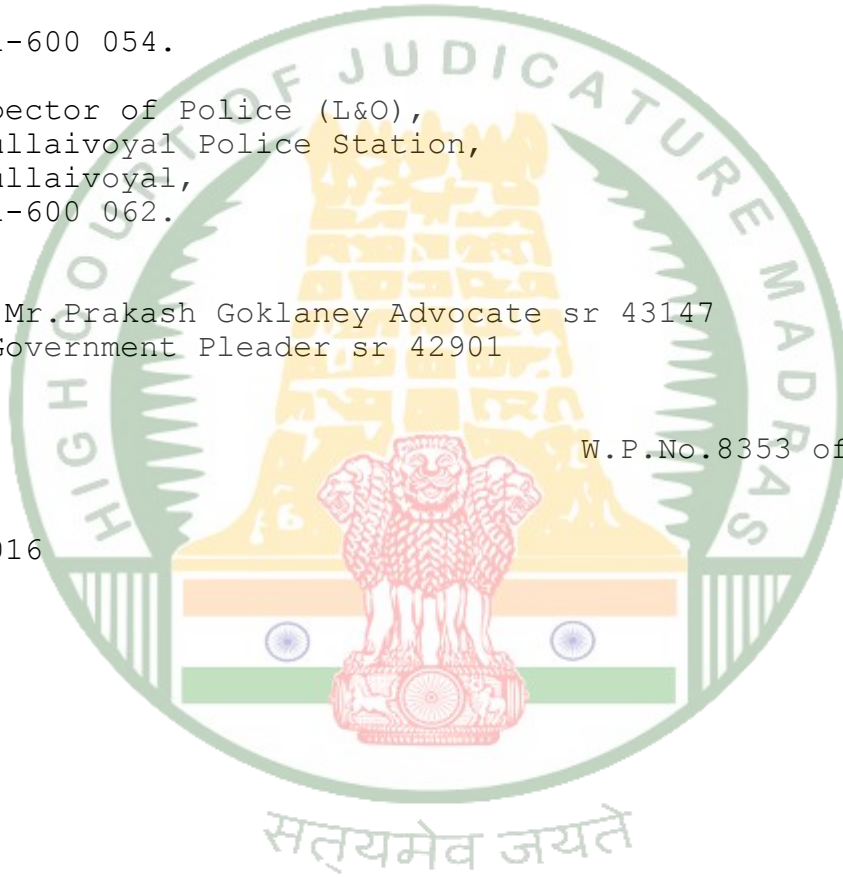
4.The Deputy Commissioner of Police,  
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Chennai-600 054.

5.The Inspector of Police (L&O),  
Thirumullaivoyal Police Station,  
Thirumullaivoyal,  
Chennai-600 062.

+2 ccs to Mr.Prakash Goklaney Advocate sr 43147  
+1 cc to Government Pleader sr 42901

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aa22/08/2016



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