

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATE: 21.09.2016

CORAM

THE HONOURABLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.1852 of 2013

P.Thangaraj

.. Petitioner

Vs.

1.The Superintendent of Police,
Salem District.

2.The Deputy Superintendent of Police,
Economic Offences Wing,
Salem District.

3.The Inspector of Police,
Economic Offences Wing,
Salem District.

4.N.Geethalakshmi

.. Respondents

Prayer: Petition filed seeking for a Writ of Mandamus, seeking a direction to the first respondent to consider the representation, dated 1.10.2012, and to take necessary action against the respondents 2 and 3, for improper investigation and to appoint some other agency or officer, to investigate the case against KGR EMU Farms' Managing Director and the respondent associates.

For Petitioner : Ms.Sumithra Vasudevan

For Respondents : Mr.P.Sanjay Gandhi, AGP for RR1 to 3

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ORDER

Heard.

2 This writ petition has been filed, praying that this Court may be pleased to issue a Writ of Mandamus, directing the first respondent to consider the representation of the petitioner, dated 1.10.2012, and to take necessary action against the respondents 2 and 3 herein, for improper investigation and to appoint some other agency or officer to investigate the case against the Managing Director, KGR Emu Farms and his associates and to pass such further order, as this Court may deem fit and proper, in the facts and circumstances of the case.

3 The petitioner had stated that the agents of the fourth respondent had approached the petitioner and had induced him to deposit a large amount of money in the Emu Farms, for earning high profits. On believing their words, the petitioner had invested a sum of Rs.30 lakhs in the KGR Emu Farms. However, when the petitioner had learnt that the fourth respondent had committed a fraud, by collecting a large amount of money from the various persons, the petitioner had asked the fourth respondent to return the amount invested by him. In spite of a number of promises made by the fourth respondent, the amount invested by the petitioner had not been returned by the fourth respondent. Hence, the petitioner had filed a complaint before the authorities concerned, including the respondents 1 to 3 herein. However, necessary action had not been taken by the said respondents, by causing proper investigation into the fraudulent transactions carried on by the fourth respondent and her associates. In such circumstances, the petitioner has preferred the present writ petition before this Court, under Article 226 of the Constitution of India.

4 The learned counsel appearing on behalf of the respondents 1 to 3 herein had submitted that the petitioner had not provided sufficient information before this Court to grant the relief, prayed for by the petitioner. Even otherwise, it is for the petitioner to pursue his remedy before the appropriate forum, by following the procedure established under the Code of Criminal Procedure, 1973. As such, it is not open to the petitioner to seek his remedies, if any, before this Court, invoking its jurisdiction, under Article 226 of the Constitution of India.

5 In view of the submissions made by the learned counsels appearing on behalf of the petitioner, as well as the respondents 1 to 3 herein, it is noted that the petitioner had approached this Court, seeking certain reliefs, without moving

the appropriate forum, in the manner known to law. It is also noted that the writ petition had been dismissed against the fourth respondent, by an order dated 15.12.2014. In such circumstances, this Court is not inclined to grant the relief, as prayed for by the petitioner, in the present writ petition. Hence, the writ petition stands dismissed. However, it goes without saying that it may be open to the petitioner to seek his remedy, if any, before the appropriate forum, in the manner known to law, if so advised. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vvk

To

- 1.The Superintendent of Police,
Salem District.
- 2.The Deputy Superintendent of Police,
Economic Offences Wing,
Salem District.
- 3.The Inspector of Police,
Economic Offences Wing,
Salem District.

+1 cc to M/s.B.Vasudevan Advocate sr 53654
+1 cc to M/s.Government Pleader vide sr 54202

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aa14/10/2016

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