

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.37379 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare the inaction of the 2nd respondent in taking action against respondents 4 & 5 basing on the complaint, dated 24.10.2016, who obtained the signatures forcefully on two promissory notes for Rs.2,00,000/- and Rs.3,00,000/- and also on two white papers on 19.10.2016 at 6.30 p.m., in the police station, as illegal and arbitrary.

Heard and perused the material available on record.

The case of the petitioner is that the petitioner obtained loan for an amount of Rs.1,50,000/- from the 5th respondent several years back and though the petitioner requested for execution of any document, the 5th respondent stated that no document is required and that the petitioner paid an amount of Rs.6,00,000/- towards interest only and due to health problems, the petitioner was unable to pay the loan amount. The main grievance of the petitioner is that the 5th respondent approached the 3rd respondent and then the 3rd respondent called the petitioner to the police station at about 6.30 p.m. and threatened the petitioner to execute two promissory notes for Rs.2,00,000/- and Rs.3,00,000/- and also obtained signatures on white papers and the 3rd respondent threatened the petitioner not to inform anybody or else he will implicate false cases on the petitioner. Aggrieved by the same, the petitioner submitted complaint, dated 24.10.2016, to the 2nd respondent against respondents 3 & 5.

Considering the grievance of the petitioner, the 2nd respondent is directed to register a case against respondents 3 & 5, if the complaint lodged by the petitioner, dated 24.10.2016, discloses any cognizable offence and investigate into the same and file a final report if any. If the

petitioner is aggrieved by the action of the 2nd respondent, he is at liberty to approach the superior officer of 2nd respondent and also to approach the concerned Court by invoking provision under Section 200 Cr.P.C.

Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO,J

Date: 16th November, 2016

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