

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.43336 of 2016

B.Wilson

[Petitioner]

Vs

1.The Assistant Commissioner of Police,
Tambaram Circle, Chennai-600 045.

2.The State represented by the
Inspector of Police,
S-11, Tambaram Police Station,
Tambaram, Chennai-600 045.

3.Chellathangam

[Respondents]

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the first and second respondents to register a criminal complaint against the third respondent and in consequence thereof directing recovery of Rs.10,61,000.00 together with interest at 24% p.a.from the third respondent to be paid to the petitioner.

For Petitioner : Mr.V.Raghavachari

For Respondents : Mr.C.Emalias,
Additional Public Prosecutor
for R1 and R2

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus directing the first and second respondents to register a criminal complaint against the third respondent and to recover a sum of Rs.10,61,000/- with interest at 24% p.a. from the third respondent to be paid to the petitioner.

2.It is stated in the affidavit filed in support of this writ petition that the petitioner had given a sum of Rs.30,00,000/- to the third respondent, on a promise made by the third respondent to secure a medical seat in Meenakshi Medical College, for the petitioner's daughter. Thereafter, the third respondent had failed to secure the seat to the petitioner's

daughter and also not returned the money. In this regard, a complaint made by the petitioner against the third respondent, was refused to be investigated by the second respondent police. Thereafter, the petitioner had also approached the first respondent to initiate proper legal action against the third respondent. Since no action was forthcoming, the present writ petition has been filed with the prayer as already stated supra.

3.Today, when this writ petition was taken up, the learned counsel for the petitioner submitted that the complaint filed by him before the second respondent police came to be closed without calling the petitioner for enquiry.

4.In reply to the above submission of the learned counsel for the petitioner, the learned Additional Public Prosecutor appearing for the respondents 1 and 2 fairly submitted that the respondent police is inclined to afford an opportunity of hearing to the petitioner. Further, he submitted that the respondents 1 and 2 may be directed to provide opportunity of hearing to the petitioner and commence the enquiry afresh and complete the same within a stipulated period.

5.The above statement made by the learned Additional Public Prosecutor is recorded, and the first respondent is directed to complete the enquiry on the complaint given by the petitioner afresh, after affording proper opportunity to the petitioner to put forth his case, and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order.

6.The writ petition is disposed of accordingly. No costs.

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To

1.The Assistant Commissioner of Police,
Tambaram Circle, Chennai-600 045.

2.The Inspector of Police,
S-11, Tambaram Police Station,
Tambaram, Chennai-600 045.

3.The Public Prosecutor,
Madras High Court,
Chennai-600 104.

+1CC Mr.V.Raghavachari, Advocate SR.No.3220.

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EV (CO)
GN(09/02/2017)