



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2017

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THE HON'BLE MR.JUSTICE P.N.PRAKASH

W.P.(MD) No.19067 of 2015

C.Sumathi

... Petitioner

-vs-

1. The Commissioner of Police,
Trichy.
2. The Inspector of Police (Crime),
Woraiyur Police Station,
Waraiyur, Trichy-620 003.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents to register First Information Report on the complaint of the petitioner dated 20.06.2015 and to proceed in accordance with law.

For Petitioner : Mr.Elephant G.Rajendran
For Respondents : Mr.T.S.Mohammed Mohideen,
Addl. Govt. Pleader

Reserved on	Pronounced on
15.03.2017	23.03.2017

O R D E R

This petition has been filed, seeking to direct the respondents to register an First Information Report on the complaint of the petitioner dated 20.06.2015 and to proceed with in accordance with law.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. It is the case of the petitioner that she has received an Advocate notice dated 10.02.2012, purportedly sent by one Gobi in which, it is alleged that the petitioner had borrowed a sum of Rs.4,00,000/- from the said Gobi on 02.02.2010 and further called upon the petitioner to make the payment. According to the petitioner, she does not know Gobi from Adam and she gave a reply



notice dated 21.02.2012. It is the contention of the petitioner that on 10.06.2015, one person claiming himself to be sent by Gobi came to her office and threatened her. The petitioner has given a complaint dated 20.06.2015 and has filed the present petition with the aforesaid prayer.

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4. In **Sugesan Transport Pvt. Ltd. represented by its Director Rajendra Sheth No.7C, Second Canal Cross Road Gandhi Nagar Adyar, Chennai 600 020 vs. The Assistant Commissioner of Police, J-2, Adyar Police Station, Adyar, Chennai 600 020 and another**, reported in **2016 (2) CTC 286**, this Court has clearly held that neither writ petition nor a petition filed under 482 of **Cr.P.C.** for a direction to the respondent police to register an FIR is maintainable, unless the party exhausts all the alternative remedies available under the **Cr.P.C.**.

5. The 2nd respondent has filed a status report, wherein it is stated as follows:

"2. I submit that as per the orders passed by the Hon'ble High Court, I issued summon to the accused on 20.10.2015 and the same has been received by the accused. The summon copy is produced herewith for your kind perusal.

3. I submit that enquiry was conducted on the accused on 22.10.2015. In such enquiry the accused stated that he was not known the complainant before and he never lending money to the complainant at any occasion and also stated that he never obtained any documents like promissory note from the complainant.

4. I further submit that the accused strongly opposed that he never approached any of a person to issue notice to the complainant on behalf of him. That the accused promised that he never seen the complainant still now and never sent any person to threatened her on 10.06.2015. The detailed statement of the accused in written version is produced herewith for your kind perusal."

6. It is seen that the said notice was given in the year 2012 and the complaint has been given only in the year 2015. Of course, it is the contention of the petitioner that she has given a complaint in the year 2015, because, one person came to her and threatened her on 10.06.2015. In the petition, the petitioner has not even stated the name of the person, who came and threatened her on 10.06.2015. Thus, the allegation has become stale.

7. Admittedly, the petitioner is the wife of one Chandramohan and daughter-in-law of one Rengaraju and the said Chandramohan and Rengaraju have made similar allegations against one Ramachandran and Arunkumar; that they have issued legal notices in the year 2012 and that they have also stated that one person came and threatened them in the year 2015, of course on different dates. This arises



suspicion in the mind of the Court about the very bona fide of the petitioner.

8. However, the Police have conducted enquiry and during enquiry, it came to light that the said Gobi has not issued any notice. In view of the above, this petition is closed with liberty to the petitioner to approach the Tamil Nadu Bar Council against the Advocate, who is said to have issued the notice dated 10.02.2012, subject to rules of limitation. No costs.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To:

1. The Commissioner of Police,
Trichy.
2. The Inspector of Police (Crime),
Woraiyur Police Station,
Waraiyur, Trichy-620 003.

+ 1 CC TO Mr.ELEPHANT G.RAJENDRAN, ADVOCATE IN SR No. 17743

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TE/JC : 19/04/2017 : 3P/4C

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