

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 29.08.2017

CORAM:

**THE HONOURABLE MR.JUSTICE S.S.SUNDAR****W.P. (MD) No.14944 of 2017**

Anandan

... Petitioner

Vs.

1. The State of Tamil Nadu  
Represented through its,  
The Superintendent of Police,  
Theni District, Theni.

2. The Inspector of Police,  
Bodinayakanur Police Station,  
Theni District.

3. S.G.Jeyaraj

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to conduct enquiry and to register FIR, on the basis of the petitioner's complaint dated 19.07.2017, within the time stipulated by this Court.

For Petitioner : Mr.P.M.Vishnuvarthanan

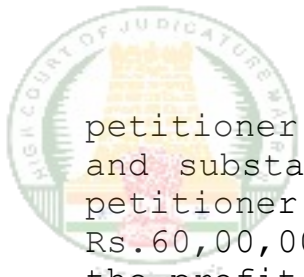
For Respondents : Mr.A.K.Baskara Pandian

Special Government Pleader.

**O R D E R**

This Writ Petition has been filed for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to conduct enquiry and to register FIR, on the basis of the petitioner's complaint, dated 19.07.2017.

2. The complaint of the petitioner is that the accused namely S.G.Jeyaraj has cheated the petitioner to the tune of about Rs.60,00,000/-. The allegation is that the petitioner and the said S.G.Jeyaraj are doing business in partnership and that the said S.G.Jeyaraj has misappropriated the entire profit which should have been shared with the petitioner. When the said S.G.Jeyaraj was requested by the petitioner to render account, it is stated by the



petitioner that he refused to render any account. However, sum and substances of the complaint reveals that the partner of the petitioner has cheated the petitioner to the tune of more than Rs.60,00,000/-, which according to the petitioner is his share in the profit in the business.

WEB COPY

3.The learned counsel for the petitioner pointed out that in the legal notice issued by the third respondent, the fact that the petitioner and the third respondent are doing business in partnership is admitted. From the averments / allegations found in the notice and the reply relied upon by the petitioner and the complaint, the dispute is purely civil in nature. Except some allegations with regard to the verbal exchange of words, absolutely, there is no other serious allegations attracting any other offence punishable under Indian Penal Code.

4.In such circumstances, this Court is not inclined to entertain this petition and hence, this Writ Petition is dismissed. However, the petitioner is at liberty to work out his remedy by filing civil suit in the manner known to law. No costs.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,  
Theni District, Theni.
2. The Inspector of Police,  
Bodinayakanur Police Station,  
Theni District.

+1cc to M/S. P.M.VISHNUVARTHANAN, Advocate, SR.No.75285.  
+1cc to Special Government Pleader, SR.No.75766.

W.P. (MD) No.14944 of 2017  
29.08.2017

mm/gsp

SDS/MR:KKR/SAR 2/11.09.2017/2P/4C