



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2019

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.20800 of 2019

D.Vasanthi

...Petitioner

.Vs.

1. The Commissioner of Police,
Greater Chennai, Veperi,
Chennai.
2. The Joint Commissioner of Police,
Ambattur,
Chennai.
3. Mrs.Bharathi,
The Inspector of Police (crime),
Poonamallee Police Station,
Chennai-600 056.
4. Umamaheswari

..Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the 1st respondent to take action against the respondents 3 & 4 based on the representation of the petitioner dated 08.06.2019, stipulated time may be fixed by this Court.

For Petitioner : Mr.M.Senthil Kumar

For R 1 to R 3 : Mr.M.Mohamed Riyaz, APP

ORDER

This Writ Petition has been filed for a direction to the 1st respondent to take action against the 3rd and 4th respondents based on the representation made by the petitioner on 08.06.2019.

2.It is seen from records that there is an FIR pending



against the petitioner in Cr.No.1355 of 2018. The petitioner had filed an anticipatory bail petition before this Court and this Court by an order dated 21.03.2019, had granted anticipatory bail to the petitioner by imposing certain conditions. One such condition is that the petitioner should deposit a sum of Rs.10,00,000/- to the credit of Cr.No.1355 of 2018. The time was stipulated for deposit of the amount. Since the petitioner did not deposit the amount within the time stipulated, Crl.M.P.No.7172 of 2019 was filed before this Court seeking for extension of time. This Court extended the time for deposit of the amount.

3.The learned counsel for the petitioner submitted that till date the amount has not been deposited and the petitioner is taking steps to file an appeal before the Hon'ble Supreme Court. The learned counsel submitted that in the meantime, the de facto complainant, the Inspector of Police and the counsel for the de facto complainant had forcibly taken away blank cheques from the petitioner, and therefore the petitioner has given representation to the 1st respondent for taking action against the concerned Inspector of Police.

4.The learned Additional Public Prosecutor appearing for the the respondent Police submitted that the petitioner even without complying with the condition imposed by this Court, has only proceeded to give an independent complaint against the de facto complainant, his counsel and also the Inspector of Police and according to the learned Additional Public Prosecutor, the very complaint is attended with malafides.

5.This Court has carefully considered the submissions made on either side and the materials available on record.

6.The relief as sought for by the petitioner cannot be granted by this Court. The petitioner is already facing criminal proceedings and this Court has already directed deposit of a sum of Rs.10,00,000/- as a condition for granting anticipatory bail to the petitioner. This order has not been complied with till date. In the meantime, the petitioner wants action to be taken, based on his representation to the 1st respondent in the pending investigation. The petitioner has virtually tried to introduce a new case, as if, the de facto complainant and the concerned Inspector of Police have taken away a blank cheque from the petitioner by force. Whether the cheque was taken by force or the petitioner has given the cheque on her own, are all matters which requires investigation. The attempt of the petitioner seems to be to create a defence for an impending 138 proceedings to be initiated by the de facto complainant against the petitioner. In order to strengthen the case of the petitioner, this Writ Petition has been filed before this Court. This Court



does not want to add weight to the false case of the petitioner and this Court is not inclined to entertain this writ petition.

In the result, this Writ Petition is dismissed. There shall be no order as to costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

KP

To

1. The Commissioner of Police,
Greater Chennai, Veperi,
Chennai.
2. The Joint Commissioner of Police,
Ambattur, Chennai.
3. The Inspector of Police (crime),
Poonamallee Police Station,
Chennai-600 056.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Senthil Kumar, Advocate, S.R.No.61459

W.P.No.20800 of 2019

EV(CO)
CS/22/08/2019