



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.04.2019

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THE HONOURABLE MR. JUSTICE N. SESHASAYEE**W.P. (MD) No. 10935 of 2019**

WEB COPY

M/s. Shri Gokulam Chits & Finance Co. Pvt. Ltd.,
Represented by its Branch Manager,
Thanjavur Branch,
No. 85, J.J. Complex,
1st Floor, Court Road,
Thanjavur.

... Petitioner

Vs.

1. The Superintendent of Police,
Thanjavur
Thanjavur District.
2. The Inspector of Police,
District Crime Branch,
New SP Office,
Thanjavur, Thanjavur District.
3. The Branch Manager,
Bank of India,
Thanjavur Town Branch,
Cavery Nagar,
Thanjavur Taluk and District.

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the 1st and 2nd respondents to take appropriate legal action against the offenders who have cheated the petitioner's company to the tune of Rs. 7 lakhs by creating and fabricating the documents based on the petitioner's complaint dated 11.01.2019 within the stipulated period by this Court.

For Petitioner : Mr. Ananth C. Rajesh
For R-1 and R-2 : Mrs. S. Bharathi,
Government Advocate (Crl. Side)

ORDER

The petitioner complains that he is doing a chit and private financing business, that he had advanced certain sum to certain person, whose name was not disclosed, that such non-disclosing person in the cause title of the case had created equitable mortgage over his property and suppressing the earlier mortgage created in favour of the petitioner, he had created another mortgage in favour of the third respondent / Nationalised Bank.



2.The learned counsel for the petitioner submitted that in this connection, a complaint has been preferred to the second respondent police, but no case has been registered.

3.A Division Bench of this Court in the case of **G.Prabakaran vs. The Superintendent of Police, Thanjavur District and another** reported in **[2018-2-L.W. Cr1.489]**, has already decided that before approaching the Court for registering the First Information Report, the petitioner needs to exhaust the statutory provisions embodied in the Criminal Procedure Code.

4.Hence, the petitioner is directed to approach the Superintendent of Police or to give a private complaint to the concerned jurisdictional Magistrate.

5.Accordingly, this Writ Petition is dismissed. However, the petitioner is at liberty to work out his remedy as per the dictum laid down in the aforesaid case. No costs.

sd/
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Thanjavur
Thanjavur District.

2.The Inspector of Police,
District Crime Branch,
New SP Office,
Thanjavur, Thanjavur District.

+1 CC to Mr.ANANTH.C.RAJESH, Advocate (SR-64092[F] dated 30/04/2019)

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