



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2019

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 21342 Of 2015 and

M.P. (MD) No. 1 of 2015

Jeyabalan

... Petitioner

Vs.

1. The Superintendent of Police,
O/o. The Superintendent of Police,
Dindigul District, Dindigul.

2. The Inspector of Police,
District Crime Branch, Dindigul District.

3. The General Manager,
Dindigul District Central Cooperative Bank,
Cooperative Nagar, Trichy Road,
Dindigul District.

4. Virumandi

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to conduct an elaborate enquiry about the illegal activity of respondents 2 and 3 on the complaint of the petitioner and on the basis of the representation dated 13.11.2015 within the time frame as fixed by this Court.

For Petitioner	: Mr.T.Vadivelan
For R-1 & R-2	: Mr.A.Robinson, Government Advocate (Crl. Side)
For R-3	: Mr.D.Shanmugaraja Sethupathy
For R-4	: Mr.D.Senthil

* * *

O R D E R

Heard the learned counsel on either side.

2. The case of the petitioner is that he was cheated by the fourth respondent herein and that the fourth respondent had procured employment in the establishment of the third respondent by suppression and misrepresentation. The petitioner had given a complaint in this regard before the second respondent.



3. The grievance of the petitioner is that even though he gave a complaint before the second respondent as well as the third respondent, they have not taken proper action against the fourth respondent. He therefore moved the first respondent. According to the petitioner, since the first respondent was inactive and indifferent, this writ petition came to be filed for directing the first respondent to conduct an enquiry on the basis of the representation dated 13.11.2015.

4. Respondents 3 and 4 have filed counter affidavits opposing the writ prayer.

5. The learned counsel appearing for the writ petitioner reiterated the contentions set out in the affidavit filed in support of this writ petition.

6. I carefully considered the materials on record. It is seen from the typed sets filed by the respondents that there was a civil dispute between the petitioner and the fourth respondent. The fourth respondent had filed O.S.No.79 of 2004 on the file of the Additional District Judge, Fast Track Court No.3, Madurai and the same was decreed on 15.03.2011. It was put to execution and a memo was also subsequently entered.

7. I therefore find considerable substance in the contention of the learned counsel appearing for respondents 3 and 4 that the very institution of the writ petition is a semel to the civil proceedings between two parties.

8. The learned Government Advocate(Crl. Side) states that the complaint lodged by the petitioner herein against the fourth respondent was enquired into and closed as Mistake of Fact. Likewise, the learned counsel appearing for the management/third respondent would also state that the enquiry was conducted against the fourth respondent herein and it was found that the charges made against him are baseless and disciplinary action was therefore closed. It is also stated that the fourth respondent has since retired from service. The cause of action between the petitioner and the fourth respondent is of the year 1996. The fourth respondent is no longer in service. Therefore, I am of the view that nothing further remains to be adjudicated in this writ petition.



9. Therefore, the writ petition stands dismissed. No costs. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar(AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To:

1. The Superintendent of Police,
O/o. The Superintendent of Police,
Dindigul District, Dindigul.
2. The Inspector of Police,
District Crime Branch, Dindigul District.

+1 CC to M/s.D.SENTHIL, Advocate (SR-106112[F] dated 20/12/2019)

W.P. (MD) No. 21342 of 2015
19.12.2019

BA(CO)

TR(08.06.2020) 3P 4C