



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2019

CORAM

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P (MD) .No.25245 of 2018

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E.Krishnamurthi

... Petitioner

Vs.

1.The Secretary to Government of Tamilnadu,
Home Department, Chennai.

2.The Director General of Police,
Triplicane, Chennai.

3.The Inspector General of Police,
South Zone,
Madurai - 625 002.

4.The District Collector,
Ramanathapuram District,
Ramanathapuram.

5.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram District.

6.The Deputy Superintendent of Police,
Kamuthi Division,
Ramanathapuram District.

7.The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.

8.Sethu

9.Kavitha

10.Manoharan

11.Murugan

12.Ethiraj

... Respondents

Prayer : This petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the respondent Nos.1 to 4 to take action against the respondent Nos.7 to 11 and to recover his jewels from them by considering his representation, dated 29.10.2018.



For Petitioner : Mr.N.Sudhagar Nagaraj
For R1 to R7 : Mr.R.Anandharaj
Additional Public Prosecutor

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O R D E R

This petition has been filed seeking a direction to the respondent Nos.1 to 4 to take action against the respondent Nos.7 to 11 and to recover the petitioner's jewels from them by considering his representation, dated 29.10.2018.

2. The learned counsel for the petitioner submitted that the petitioner lodged a complaint for the allegation that his jewels were stolen by the accused. On receipt of the said complaint, the 7th respondent registered a case in Crime No.237 of 2017, for the offences under Sections 454 and 380 of IPC. Even after registration of the complaint, the 7th respondent did not secure the accused. On the effort of the petitioner with the help of CCTV footage, one Thavamani@Tahavasi was secured and handed over to the 7th respondent police. Thereafter, the 7th respondent simply left him without even conducting any enquiry as if he did not involve in any crime. Therefore, the petitioner sought for appropriate action as against the respondents 7 to 11 herein.

3. The learned Additional Public Prosecutor appearing for the respondent Nos.1 to 7 filed a counter and submitted that on the complaint lodged by the petitioner the 7th respondent police registered the case in Crime No.237 of 2017, for the offences under Sections 454 and 380 of IPC. On suspicion, one Thavamani@Tahavasi was brought to the police station and enquired him and found that the said person is not involved in the crime. Thereafter, on the complaint received by the petitioner for appropriate action against the respondent Nos.7 to 11, the first and second respondents enquired the same and found that the entire representation is false. In fact, the said complaint lodged by the petitioner has been closed and the closure report also was served to the petitioner. Therefore, the present Writ Petition is nothing but a clear abuse of process of law.

4.Considering the above submission, this Writ Petition is devoid of merits and the same is dismissed. No costs.

Sd/-

Assistant Registrar(Writs)

// True Copy //

Sub Assistant Registrar(CS)

vsd

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To

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7.The Inspector of Police,
Abiramam Police Station,
Ramanathapuram District.

8.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1CC TO MR.N.SUDHAGAR NAGARAJ, Advocate Sr. No.97071

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SCR(CO)
TR(22.11.2019) 3P 10C