



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2020

CORAM:

THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

W.P (MD) No.9714 of 2020

WEB COPY

M.Shanmugasundaram

... Petitioner

Vs.

1.The Superintendent of Police,
Trichy District

2.The Inspector of Police,
Vaiyampatti Police Station,
Vaiyampatti, Trichy District.

3.P.Hari

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to take appropriate legal action against the 3rd Respondent / Proposed Accused and his men, who were purposely cheated the petitioner and grabbed the petitioner vehicles, based on the petitioner complaint dated 16.06.2018 in CSR No.158 of 2018, dated 16.06.2018, within the time frame fixed by this Court.

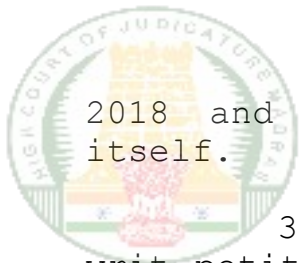
For Petitioner : Mr.K.Kevinkaran

For Respondents : Mr.S.Chandrasekar
(R1 & R2) Additional Public Prosecutor

O R D E R

The present writ petition has been filed for issuance of a Writ of Mandamus, directing the 1st and 2nd respondents to take appropriate legal action against the 3rd respondent / proposed accused, who purposely cheated the petitioner and grabbed the petitioner's vehicles.

2. Today when the writ petition is came up for hearing, the learned Additional Public Prosecutor appearing for the respondent police, on instructions, would submit that on the complaint given by the petitioner, dated 16.06.2018, the 2nd respondent police herein initiated an enquiry in CSR No.158 of



2018 and thereafter, the same has been closed on 16.06.2018 itself.

3. In this regard, the learned counsel appearing for the writ petitioner made a submission that during the time of enquiry in CSR No.158 of 2018, the petitioner has never appeared before the 2nd respondent police. Further, the petitioner is not having any knowledge about the enquiry conducted by the 2nd respondent in CSR No.158 of 2018.

4. Upon considering the submissions made by the learned counsel appearing on either side in the affidavit filed by the petitioner, the petitioner made allegation against the 3rd respondent that during the relevant period of occurrence, the petitioner herein, on rental basis, handed over 3 cars to the 3rd respondent and thereafter, the cars, which entrusted to the 3rd respondent for rent, has not been returned by the 3rd respondent and thereby, the 3rd respondent cheated the petitioner.

5. In the said circumstances though the petitioner has approached this Court belatedly, considering the fact that he already lodged a complaint before the 2nd respondent police and the same has been closed without informing to the petitioner, it would be appropriate to give some direction to the 2nd respondent in this regard. Accordingly, the petitioner is permitted to prefer a complaint before the 2nd respondent police within a period of two weeks from the date of receipt of a copy of this order and thereafter, upon receipt of the same, the 2nd respondent is directed to complete the enquiry, by following the Judgment of the Hon'ble Supreme Court in **Lalita Kumari Vs. Government of Uttar Pradesh and others [2014 (2) SCC (1)]** within a period of two months, thereafter.

6. Accordingly, the writ petition is disposed of with the above direction. No costs.

Sd/-

Deputy Registrar(Accounts)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

MPK



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Superintendent of Police,
Trichy District
- 2.The Inspector of Police,
Vaiyampatti Police Station,
Vaiyampatti, Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

W.P (MD) No. 9714 of 2020
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SCR(CO)
TR(02.09.2020) 3P 4C