



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.03.2020

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P. (MD)No.19353 of 2016

and

W.M.P. (MD)Nos.13957 of 2016 and 2785 of 2017

WEB COPY

P.John Paul

.. Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Paramakudi,
Ramanathapuram District.

3.The Inspector of Police,
Paramakudi Town Police Station,
Paramakudi,
Ramanathapuram District.

4.Pitchaiammal, W/o.Sathiya

5.Sivagami, D/o.Periyakaruppan

.. Respondents

Prayer:- Petition is filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 3 not to interfere in civil dispute between the petitioner and the respondents 4 and 5 in respect of installment purchase of land under Jayam Nagar Scheme for the landed property in Survey No.305/2, admeasuring 4 Acres, situated at Kamuthakudi Village and Survey Nos.88/7, 10A, 10B, 10C, 11A, 17, admeasuring 2.5 Acres, S.Nos.88/3 and 15, admeasuring 2.75 Acres, Survey Nos.90/3, admeasuring 2 Acres, Survey Nos.98/2, 4B, 5AS, 7, 8, 10, 14 and 16, admeasuring 3 Acres, situated at Vengaloor Village, Paramakudi Taluk, Ramanathapuram District.

For Petitioner : Mr.B.Saravanan

For R1 to R3 : Mr.S.Chandrasekar
Additional Public Prosecutor

For R4 : Mr.M.Subash Babu

For R5 : Mr.S.Jeyakarthick



ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, directing the respondents 1 to 3 not to interfere in civil dispute between the petitioner and the respondents 4 and 5.

2.The brief facts of the case is that the petitioner herein has promoted a layout under the name of Jayam Nagar Scheme and has entered into an agreement with several persons for sale of plots in installment basis. The petitioner has not honoured the terms of the contract, but had collected money from the subscribers and therefore, a complaint was given by the respondents 4 and 5 to the respondent police.

3.The petitioner contending that the dispute is only civil in nature and no criminal ingredient is attracted, has filed this Writ Petition seeking for issuance of a Writ of Mandamus, restraining the police to investigate the matter.

4.The learned Additional Public Prosecutor appearing for the respondents 1 to 3 would submit that subsequent to the filing of this Writ Petition, an enquiry was conducted and the respondent police has closed the complaint of the respondents 4 and 5 as against the petitioner, taking note of the pendency of the Writ Petition. Subsequently, the fourth respondent herein has also given a complaint before the learned Judicial Magistrate, Paramakudi, on the same set of facts as against this petitioner and the same has been taken on file in Crime No.284 of 2019, for investigation as per the order of the learned Magistrate. The learned Additional Public Prosecutor also would submit that the police is able to secure only A1 in that case and others are still at large.

5.The learned counsel appearing for the impleading petitioners would submit that there was no notice to the de-facto complainant regarding the closure of the complaint given by the fourth respondent earlier.

6.The material placed before this Court indicates that the petitioner herein and others have promised to give plots in their layouts under two schemes, i.e., one is out-rate purchase and another is installment scheme. The complainants are the subscribers for the plots under installment scheme. The petitioner has failed to allot the plots to the subscribers and that is the reason why, they have approached the police by way of complaint. Though on the face of it, it may appear to be a civil transaction, whether the collection of money promising to give plots is done by the petitioner with criminal intend or not is a matter for investigation. The alleged closure report does not disclose any material to indicate that the police has investigated the matter and



closed the complaint. Hence, this Writ Petition is disposed of with the following directions:-

(i) The respondents 1 to 3 shall give an opportunity to the petitioner herein to produce available documents and make proper enquiry and file report based on the outcome of the investigation.

(ii) The petitioner is directed to co-operate with the investigation. Any failure on the part of the petitioner to co-operate will entail the respondent police to act in accordance with law.

No costs. Since composite direction has been given by this Court, there is no necessity to entertain the impleading petition and whoever aggrieved, is entitled to approach the police and place the records for redressal. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

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

2.The Deputy Superintendent of Police,
Paramakudi,
Ramanathapuram District.

3.The Inspector of Police,
Paramakudi Town Police Station,
Paramakudi,
Ramanathapuram District.

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

+1 CC to Mr.B.SARAVANAN, Advocate (SR-12333[F] dated 18/03/2020)

W.P. (MD) No.19353 of 2016

17.03.2020

VB(06.05.2020) 3P 6C

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