



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :23.08.2021

CORAM

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P(MD)No.12517 of 2021

M.Karuppasamy

... Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Umachikulam,
Madurai District.

3.The Inspector of Police,
District Crime Branch,
Madurai District.

4.The Inspector of Police,
Appanthirupathi Police Station,
Madurai District.

5.C.Nagurpitchai

6.S.Sevukan

7.R.Rajagam

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the third respondent to conduct preliminary enquiry based on his complaint dated 14.12.2020 and to take action against the third and fourth respondent.

For Petitioner

: Mr.M.Pandian

For Respondents

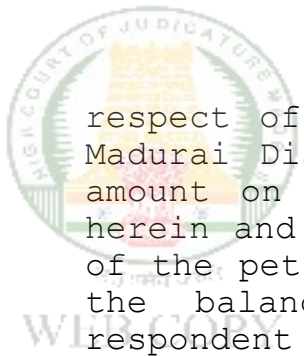
: Mr.R.M.Anbunithi

Additional Public Prosecutor
for R1 to R4

ORDER

This Writ Petition has been filed seeking direction directing the third respondent to conduct preliminary enquiry based on his complaint dated 14.12.2020 and to take action against the third and fourth respondent.

2.The case of the petitioner is that the petitioner was having friendly relationship with 5th to 7th respondents. A sale agreement was entered between the petitioner and the private respondent in



respect of the property situated at Meenachipuram II Fit Village, Madurai District. The petitioner has paid Rs.50,000/- as advance amount on 09.12.2018, which was received by the fifth respondent herein and the fifth respondent has executed an agreement in favour of the petitioner witnessed by respondents 6 and 7. After paying the balance amount, the petitioner has requested the fifth respondent to execute the sale deed in his favour. However, he did not execute the sale deed till now and he also also not returned the amount. Thereafter, on 11.12.2020 the petitioner approached the respondents 5 to 6 and asked to return amount, a wordy quarrel arose between them and the respondents 5 to 6 assaulted the petitioner and also criminally intimidated him. Therefore, the petitioner gave a complaint before the fourth respondent. However, no case has been registered in respect of the complaint sofar. Hence, this petition is filed.

3.The Writ of Mandamus may not lie for such relief.

4.The learned Additional Public Prosecutor would submit that the petitioner's complaint was referred to District Crime Branch, Madurai and summon was issued to the petitioner for his appearance on 30.07.2021, after receiving summons, the petitioner did not appear before the concerned officer.

5.The learned counsel for the petitioner would submit that the petitioner has not received any summons from the District Crime Branch, Madurai.

6.Considering the facts and circumstances of the case, this Court directs the petitioner to co-operate with the enquiry officer attached to the office of District Crime Branch, Madurai. Nothing survives for further consideration and direction in this matter. Since enquiry is undertaken. Hence, this writ petition is disposed of. No Costs.

Sd/-

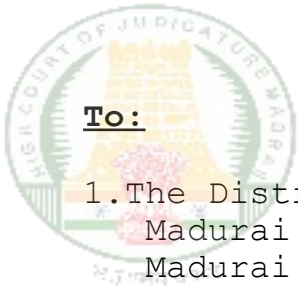
Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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 District Superintendent of Police,
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RS (01.09.2021) 3P 5C