



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 15.12.2021

CORAM

THE HONOURABLE DR. JUSTICE G.JAYACHANDRAN

W.P. (MD)No.9979 of 2019 and

W.M.P. (MD)No.8252 of 2019

WEB COPY

Deepan, S/o.R.Selvaraj

... Petitioner

Vs.

1. The Deputy Superintendent of Police,
Melur Circle, Madurai District.

2. The Inspector of Police,
Keela Valavu Police Station,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of a Writ of Mandamus, directing the first respondent to take appropriate action against the second respondent for her dereliction in discharging the duty as per law, based on the petitioner's representation, dated 22.03.2019.

For Petitioner	: Mr.S.Ramasamy
For Respondent	: Mr.P.Kottaichamy Government Advocate

ORDER

This Writ Petition is filed seeking Mandamus to direct the first respondent to take appropriate action against the second respondent for her dereliction in discharging the duty.

2.The first respondent herein is the Deputy Superintendent of Police and the second respondent is the Inspector of Police, Keela Valavu Police Station. According to the petitioner, he is running a Jewellery shop in the name and style of 'Thanga Rani Jewellers'. One Palvannan, S/o.Andiyappan, is also running Jewellery shops in the name and style of 'Shobana Jewellers' and 'Balu Jewellers'. He used to purchase jewels from the petitioner's shop on credit basis. He purchased jewels worth about Rs.37,68,800/- on the promise that he will repay the money in instalments. Since he did not pay the money, he executed an agreement dated 28.07.2018 as per the schedule period. But, in spite of expiry of the scheduled period, the said Palvannan failed to repay the money and honour the contract. When the petitioner demanded money back on 22.03.2019, the said Palvannan along with Ramaiah and Iyankalai threatened him with dire consequences. Hence, the petitioner gave a complaint to the second respondent to take necessary action. However, she did not take any action. Hence, the petitioner has filed present petition seeking a direction to



the first respondent to take action against the second respondent for her dereliction of duty.

3. Pending Writ Petition, the petitioner has taken out an application to implead the Inspector of Police Tmt. Geetha, Keela Valavu Police Station, in her personal capacity, as party to the proceedings.

4. This Court perusing the agreement dated 28.07.2018 and the complaint dated 22.03.2019, finds that it is purely a civil transaction and the petitioner has to work out his remedy through the Civil Court and he cannot resort to engage the Police to collect the money. In this case, the second respondent Inspector of Police, in fact, has taken up the complaint and called the concerned parties for enquiry and thereafter, considering the nature of the dispute and the agreement between the parties that they will settle the dispute amicably among themselves, closed the complaint on 23.06.2019.

5. This Court finds that there is no dereliction of duty on the part of the second respondent and the complaint of the petitioner, dated 22.03.2019 though indicates that there is some criminal intimidation, it is purely a civil dispute given the flavour of criminal action. Hence, this Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed. The petitioner has to work out his remedy through the appropriate Civil Court.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

To

1. The Deputy Superintendent of Police,
Melur Circle, Madurai District.
2. The Inspector of Police,
Keela Valavu Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

W. P. (MD) No. 9979 of 2019

15.12.2021