



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.06.2022

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THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P(MD).No.9013 of 2022

Sam Ebinezar @ Venkat

... Petitioner

Vs

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

2. The Inspector of Police,
District Crime Branch,
Virudhunagar,
Virudhunagar District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to conduct proper enquiry and to investigate the same in accordance with law, on the basis of petitioner's complaint, dated 23.04.2022, within a stipulated time frame fixed by this Court.

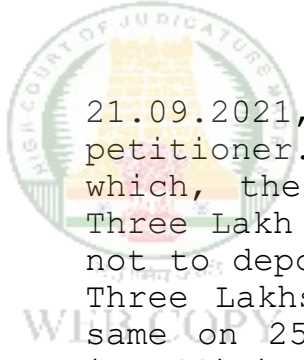
For Petitioner : M/s. Jeyakumaran .J

For Respondents : Mr.M.Sakthi Kumar,
Government Advocate (Crl.Side)

ORDER

This Writ Petition has been filed in the nature of Mandamus, seeking a direction to the respondents to conduct proper enquiry, on the basis of petitioner's complaint, dated 23.04.2022.

2.The learned Counsel appearing for the petitioner submitted that initially, the petitioner had lodged a complaint, dated 28.04.2021, alleging that the accused persons had collected a sum of Rs.8,00,000/- (Rupees Eight Lakhs Only) from the petitioner by promising to get a job for the petitioner's son, in Madras High Court, but they failed to get a job. During enquiry, both the accused persons admitted that they had obtained the said amount from the petitioner. Hence, the police official advised one of the accused person, namely one Ganesa Murthy to settle the issue and report the same to him. On 12.07.2021, he has paid a sum of Rs.39,000/- to the petitioner and also transferred a sum of Rs.11,000/-, on the very same day. Thereafter, on 24.08.2021 and



21.09.2021, he has repaid Rs.50,000/- respectively to the petitioner. Then, he issued three cheques to the petitioner. Out of which, the petitioner had withdrawn a sum of Rs.3,50,000/- (Rupees Three Lakh Fifty Thousand). After that, he requested the petitioner not to deposit the cheque bearing No.000030 for Rs.3,00,000/- (Rupees Three Lakhs Only), on 25.01.2022 and also requested to present the same on 25.03.2022. But, the said cheque was returned as 'funds insufficient'. He further stated that the accused had willfully failed to discharge his liability. Hence, the petitioner has lodged a complaint before the second respondent, on 23.04.2022. But, the second respondent advised the proposed accused person to pay the amount or otherwise they will register a FIR against the accused persons. Aggrieved by the action of the second respondent, this petition has been filed.

3.The learned Government Advocate (Crl.Side) appearing for the respondents sought three weeks time to complete the investigation in this regard.

4.Considering the above, the second respondent is directed to complete the investigation. With this direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lr

To

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

2. The Inspector of Police,
District Crime Branch,
Virudhunagar,
Virudhunagar District.

+1 CC to M/s.J.JEYAKUMARAN, Advocate (SR-24541[F] dated 08/06/2022)

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07.06.2022

NSN (CO)

KB(15.06.2022) 2P 4C

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