



W.P(MD)No.13488 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2022

CORAM :

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P(MD)No.13488 of 2022

V.Arunachalam

...Petitioner

Vs.

1. The Superintendent of Police,
Tenkasi District.
2. The Commissioner of School Education/
Director of School Education,
College Road,
Nungambakkam,
Chennai.
3. The District Educational Officer,
Tenkasi,
Tenkasi District.
4. The Inspector of Police,
Alangulam Police Station,
Tenkasi District.
5. D.C.Wilson Sathyaraj

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records in order of the 4th respondent, dated 28.04.2022 and quash the same as illegal and consequently direct the respondents to take



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appropriate action against the 5th respondent within time to be fixed by this Court.

For Petitioner	: Mr.S.Kumar
For R1 to R4	: Mr.M.Sakthi Kumar Government Advocate (Crl.Side)

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records of the order dated 28.04.2022, passed by the 4th respondent, and quash the same as illegal and consequently, direct the respondents to take appropriate action against the 5th respondent within time to be fixed by this Court.

2. The learned counsel for the petitioner submitted that the 5th respondent is working as Block Educational Officer at Keelapavoor Union, Tenkasi District and he borrowed a sum of Rs.15,00,000/- from the petitioner for obtaining the government job. He neither obtained any job nor got back the money. Hence, the petitioner gave a complaint to the respondent police. Since the respondent police have not taken any action against the fifth respondent. The petitioner already filed Writ Petition in



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W.P(MD) No.12158 of 2021 for the same relief. By order dated 21.10.2021, this Court directed the 4th respondent to take appropriate action on the complaint given by the petitioner.

3. In pursuant to the order of this Court, the 4th respondent conducted an enquiry and closed the case as if the petitioner has not disclosed the facts of filing the dishonor of cheque case against the 5th respondent in S.T.C.No.466 of 2021, on the file of the Judicial Magistrate, Alangulam. In pursuance of not disclosing the private complaint and there is a money transaction between the petitioner and the 5th respondent for returning money, closed the case. Now, challenging the closure report of the 4th respondent/ the Inspector of Police, Alangulam Police Station, this petition has been filed.

4. The learned Government Advocate (Crl. Side) submitted that already the complaint has been considered and closed. Hence, this Writ Petition is liable to be dismissed.

5. I have considered the rival submissions.



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6. The grievance of the petitioner is that his complaint, dated 07.06.2021, was closed by the fourth respondent/the Inspector of Police, Alangulam Police Station, on the ground that no case has been made out for further investigation. The next remedy available to the aggrieved person is to approach the Magistrate by filing protest petition against the closure report and the Magistrate himself can take cognizance under Section 200 of Cr.P.C, and proceed with the matter further. However, without availing remedy, the petitioner has filed this Writ Petition, hence, it is not maintainable and there is no merit in this petition.

7. Therefore, this writ petition is dismissed. No costs.

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Index :Yes/No
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Tenkasi District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM., J

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