



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.09.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD)No.21727 of 2022

Aminabeevi

... Petitioner

/vs./

1. The Superintendent of Police
Office of the Superintendent of Police
Economic Offence Wing
Chennai.

2. The Deputy Superintendent of Police
Economic Offence Wing
Trichy.

3. The Inspector of Police
Economic Offence Wing
Trichy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents 2 and 3 to take appropriate action on the basis of the Petitioner's representation dated 07.03.2022.

For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.R.Sivakumar
Government Advocate(Crl.Side)



ORDER

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The Petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the Respondents 2 and 3 to take appropriate action on the basis of the Petitioner's representation dated 07.03.2022.

2. The learned Counsel for the Petitioner submits that the Petitioner had given complaint to the Respondents 2 and 3, but no steps has been initiated by them. Therefore the Petitioner filed a petition under Section 156(3) of Cr.P.C before the learned Chief Judicial Magistrate, Trichy, which was also returned.

3. In the Ruling of Hon'ble Division Bench of this Court in a batch of Criminal Original Petitions in ***Cr.L.O.P.(MD)No.13681 of 2018 batch***, it was stated that the Writ Petition seeking direction to register the case cannot be ordered, it can be filed only under Section 482 of Cr.P.C. seeking a direction to register a case and there are guidelines to be followed while exercising discretionary powers under Section 482 of Cr.P.C. Here the Petitioner herein had straightaway approached this Court stating that the police officials failed to act on the complaint given by the Petitioner.



4. The learned Government Advocate(Crl.Side) would submit that there are waiting for Public Prosecutor's opinion and he has to furnish copy of the Public Prosecutor's opinion received from the Special Public Prosecutor/TNPID Court. He would further submit that the Special Public Prosecutor (Crl.) TNPID Court, Chennai had to issue legal opinion to the complaint received by the Inspector of Police, Economic Offences Wings, wherein he had stated that it is not a case involved in depositing in Financial Institutions. Therefore the offence under Section 5 of TNPID Act is not attracted. It can be registered only under the provisions of the Indian Penal Code.

5. Considering the submission of the learned Counsel for the Petitioner, the Petitioner is directed to file a petition under Section 156(3) of Cr.P.C before the TNPID Court, Madurai.

6. With the above direction, the Writ Petition stands disposed of. No costs.

20.09.2022

Index : Yes / No
Internet : Yes / No
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To:

1. The Superintendent of Police
Office of the Superintendent of Police
Economic Offence Wing
Chennai.
2. The Deputy Superintendent of Police
Economic Offence Wing
Trichy.
3. The Inspector of Police
Economic Offence Wing
Trichy
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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