



WP(MD)No23150 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.11.2022**

CORAM:

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

W.P.(MD)No.23150 of 2022

Yama Kannan

... Petitioner

/vs./

1.The Superintendent of Police,
Office of the Superintendent of Police,
Thoothukudi District.

2.Manimaran

3.C.Saranya

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 1st respondent herein to take necessary action in accordance with law against the respondents 2 and 3 for their wilful failure to discharge their statutory duties on the basis of petitioner representation dated 20.08.2022 and consequently to recover the petitioner's jewels within the time stipulated by this Court.

For Petitioner : Mr.C.Jeganathan
For R1 : Mr.R.Sivakumar
Government Advocate (Crl.side)



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ORDER

This Writ Petition has been filed to direct the first Respondent to take necessary action in accordance with law against the Respondents 2 and 3 for their wilful failure to discharge their statutory duties on the basis of the Petitioner's representation dated 20.08.2022 and to recover the Petitioner's jewels within the time stipulated by this Court.

2.When the case came up for hearing, the learned Government Advocate (Crl.side) for the first Respondent would submit that already the case was registered in Crime No.230 of 2022 and a two wheeler alone was seized. He would further submit that in this case, the accused were absconding. 4 witnesses had been examined and the statement under Section 161 Cr.P.C., had also been recorded. The defacto complainant is alleged to have obtained loan from the accused 1 to 5. There is dispute between them. Investigation is still pending.

3.Recording the submission of the learned Government Advocate (Crl.side), this Writ Petition is dismissed as not maintainable in the light of the reported ruling of the Division Bench of this Court in a batch of Criminal



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Original Petitions reported in ***CDJ 2018 MHC 5100*** in the case of ***G.Prabakaran***
vs The Superintendent of Police, Thanjavur District and another. No costs.

15.11.2022

Index : Yes / No
Internet : Yes / No
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TO:

The Superintendent of Police,
Office of the Superintendent of Police,
Thoothukudi District.



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SATHI KUMAR SUKUMARA KURUP, J.

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