



W.P.No.9698 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P. No.9698 of 2023

V.Venkatesan

...Petitioner

Vs

- 1.The Commissioner of Police
Greater Chennai,
Vepery
Chennai – 600 007.
- 2.The Inspector Of Police
K.k. Nagar Police Station
K.k. Nagar,
Chennai- 600 078.
- 3.Saradha
- 4.Srinivasan Enterprises
Rep. By Its Partner R.srinivasan S/o.
Raghavan No. 28 Pidariar Koil Lane
Broadway, Chennai – 600 003.
- 5.Dominic
Branch Manager,
Indian Bank ,
Guindy Branch,
131, Sidco Building,



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Chennai – 600 032

6. Ramesh Mannar
Recovery Officer
Debts Recovery Tribunal – III,
Chennai – 600 006.

7. Thirumalai
Sub Registrar O/o. The Sub Registration K.
K.K.Nagar,
Chennai - 600 078.

8. S.M.M. Sulthan Ibrahim ... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Mandamus, directing the 1st respondent to issue necessary direction to the 2nd respondent to take appropriate action as against the respondents No. 3 to 8 on the basis of the petitioner representation in the form of Complaint dated 25.01.2023 made to the 1st respondent through online and speed post.

For Petitioner : Mr.K.Kannan

For Respondents : Mr.S.Santhosh (For R1 and R2)
Government Advocate (Crl.Side)

ORDER

The Writ Petition has been filed to direct the 1st respondent to issue necessary direction to the 2nd respondent to take appropriate action as against the respondents No. 3 to 8 on the basis of the petitioner's



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representation in the form of Complaint dated 25.01.2023 made to the 1st respondent through online and speed post.

2.It is the submission of the learned counsel for the petitioner that third respondent along with her husband mortgaged their house through registered mortgage deed. Thereafter, suppressing the registered mortgage deed, she obtained loan from Indian Bank, Guindy Branch and now the property is sold to eighth respondent. He filed petition seeking action against R3 to R8.

3.The learned Government Advocate (Criminal side) submitted that on the basis of the complaint given by one Radhakrishnan, First Information Report in Cr.No.430 of 2022 for the offence under Section 406 and 420 I.P.C is registered and pending.

4.Considered the rival submissions and perused the records.

5.It is seen from the petition averments, petitioner has approached this Court directly without following the procedure established under law by



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giving complaint before the jurisdictional Police under Section 154 Cr.P.C.

This Court in ***G.Prabhakaran v. The Superintendent of Police, Thanjavur***, reported in ***(2018) 2 LW Crl 489*** held that approaching this Court without following provisions under Section 154 and 156 Cr.P.C. is not permissible. Therefore, this petition is dismissed giving liberty to the petitioner to follow the procedure in giving the complaint as detailed in the order of this Court above mentioned.

6. With the above direction and observation, this Writ Petition is dismissed. No costs.

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Index : Yes/No

Internet: Yes/No



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