



W.P.(MD)No.16262 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.08.2023

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THE HON'BLE MR.JUSTICE P.DHANABAL

W.P.(MD)No.16262 of 2021

S.Iqbal

... Petitioner

Vs.

1.The Commissioner of Police,
Madurai City, Madurai-7.

2.The Inspector of Police,
Thirupparankundram Police Station,
Madurai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the first respondent to take appropriate action in accordance with law against the second respondent by considering the petitioner's representation dated 26.09.2020 and pass order within the period stipulated by this Court.

For Petitioner : Mr.M.Mohamed Sherbudeen

For Respondents : Mr.R.M.Anbunithi,
Additional Public Prosecutor



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W.P.(MD)No.16262 of 2021

ORDER

This Writ Petition has been filed to direct the first respondent to take appropriate action in accordance with law against the second respondent by considering the petitioner's representation dated 26.09.2020 and pass order within the period stipulated by this Court.

2. According to the petitioner, he lodged a complaint before the first respondent on 18.06.2020 and the same was forwarded to the second respondent and the second respondent issued CSR No.152 of 2020 and thereafter, the second respondent conducted enquiry on 19.06.2020. The petitioner attended enquiry for more than 30 times and no action was taken. Thereby, the petitioner made a representation before the first respondent on 26.09.2020 to take action as against the second respondent and the same has not been considered till date. Hence, the petitioner filed the present petition.

3. The learned counsel appearing for the petitioner would contend that the petitioner lodged a complaint as against one Rihana and her



W.P.(MD)No.16262 of 2021

landlady one Veni. The said Rihana borrowed loan of Rs.1,50,000/- from the petitioner and thereafter, did not repay the amount. Thereafter, he came to know that the said Rihana created forged document in the name of the house owner and handed over the same to the petitioner. Hence, the petitioner gave complaint on 18.06.2020 and the same was not properly enquired. In the name of enquiry, the petitioner was dragged into the police station for more than 30 times and no proper enquiry was conducted by the police officials and thereby, the petitioner sent a representation dated 26.09.2020 to the first respondent, but, the same is not considered by him. Hence, the petitioner preferred the present petition and the same is to be allowed.

4.The learned Additional Public Prosecutor appearing for the respondents would contend that the representation of the petitioner is still pending for consideration and enquiry yet to be conducted.

5.Considering the above submissions and also considering the limited prayer of the petitioner that his representation has not been considered so far and also considering the fact that no enquiry was



W.P.(MD)No.16262 of 2021

conducted by the first respondent, it is appropriate to direct the first respondent to consider the petitioner's representation. Accordingly, the first respondent is directed to consider the representation of the petitioner dated 26.09.2020 by affording adequate opportunity to all the interested parties, in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above observations and directions, this writ petition is disposed of. No costs.

08.08.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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W.P.(MD)No.16262 of 2021

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Madurai City,
Madurai-7.
- 2.The Inspector of Police,
Thirupparankundram Police Station,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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W.P.(MD)No.16262 of 2021

P. DHANABAL,J.

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W.P.(MD)No.16262 of 2021

08.08.2023