



W.P(MD)No.10337 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.07.2023

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THE HONOURABLE MR.JUSTICE P.DHANABAL

W.P(MD)No.10337 of 2014

and

M.P(MD)No.1 of 2014

P.Manickam

... Petitioner

Vs.

1.The Superintendant of Police,
Pudukkottai District.

2.The Deputy Superintendant of Police,
Pudukkottai.

3.Panneer Selvam

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to initiate action on the petitioner's complaint dated 30.12.2013 and consequently, direct the respondents herein to secure the money and blank documents from the possession of 3rd respondent signed by the petitioner.

For Petitioner	: Mr.J.Padmavathy Devi
For R1 & R2	: Mr.R.M.Anbunithi Addl. Public Prosecutor(Crl.side)
For R3	: Mr.C.Nagamuthu



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ORDER

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This writ petition has been filed by the petitioner seeking a direction to the respondents to initiate action on the petitioner's complaint, dated 30.12.2013 and consequently to direct the respondents to secure the money and blank documents from the possession of the third respondent signed by the petitioner.

2. According to the petitioner, he is a resident of Villupuram District and he approached the third respondent for purchase of a tractor through his friend. The price of the tractor was finalized at Rs.4 lakhs. When the petitioner approached the third respondent, he informed him that he has been doing gold selling business and also induced him to join as a regular customer for purchasing gold for lower price. For purchasing the gold, the petitioner has paid Rs.14,00,000/- in cash, which includes Rs.4,00,000/- meant for purchase of tractor. Thereafter, the third respondent obtained four blank cheques drawn on ICIC Bank Kallakurichi and also four blank promissory notes with his signature, for security purpose of remaining amount of Rs.16,00,000/-. After receiving the documents and also the cash, the third respondent failed to hand over the gold to the petitioner. When the petitioner asked the third respondent either to give gold or return the money, the third respondent directed him to contact one Nazar Basha at Coimbatore and get back his money. Therefore, he



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lodged a complaint before the Commissioner of Police, Coimbatore. Pursuant to which, the said Nazar Basha was arrested and a criminal case was also registered. Thereafter, when the petitioner asked the third respondent to return back his money, blank cheques, blank promissory notes, the third respondent, without returning the documents, threatened the petitioner. Hence, the petitioner has given a complaint before the Chief Minister's Cell dated 30.12.2013. So far no action has been taken, hence the present writ petition has been filed.

3.The learned counsel appearing for the petitioner contended that the petitioner had given a representation before the second respondent dated 30.12.2013. So far no action has been taken by the second respondent. Hence, he sought for a direction as against the second and third respondents to consider the complaint dated 30.12.2013 in accordance with law.

4.On perusal of the affidavit, it is seen that there is no averments with regard to the complaint dated 30.12.2023 filed before the second respondent. However, on perusal of the typed-set of papers which reveals that on 19.06.2014 the petitioner sent a complaint to the first and second respondents.

5.The learned Additional Public Prosecutor (Crl.side) appearing for the first and second respondents submitted that the first and second respondents



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have not received the complaint dated 30.12.2013 as alleged in the prayer of the petition. However, it is admitted that the petitioner has sent a complaint dated 19.06.2014 to the first and second respondents and no action has been taken on that complaint. Due to delay for more than 10 years, it is difficult to find out the complaint dated 19.06.2014. Therefore, if the petitioner gives a fresh complaint before the respondent, they will take action based on the complaint.

6.Considering the above submissions and considering the facts and circumstances of the case, it is appropriate to direct the petitioner to approach the first and second respondents with fresh complaint within a period of two weeks from the date of receipt of a copy of this order and on receipt of such complaint, the first and second respondents are directed to take action on the complaint in accordance with law, after hearing all the necessary parties, within a period of four weeks from the date of receipt of the complaint, if any presented by the petitioner.

7.With the above observation, the Writ Petition stands disposed. No costs. Consequently, connected miscellaneous petition is closed.

04.07.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No



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To

- 1.The Superintendant of Police,
Pudukkottai District.
- 2.The Deputy Superintendant of Police,
Pudukkottai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL, J.

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