



W.P.(MD)No.18779 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

W.P.(MD)No.18779 of 2023

R.Narayanan

... Petitioner

Vs

1.The Commissioner of Police,
Madurai City.

2.The Inspector of Police,
Tallakulam Police Station,
Madurai City.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to take action upon the petitioner's complaint dated 30.06.2023 within a stipulated period as fixed by this Court.

For Petitioner : Mr.M.Pounraj

For R-1 & R-2 : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)

ORDER

This Writ Petition is filed under Article 226 of the Constitution of India seeking for a direction to the respondent Police to take action based on the complaint given by the petitioner dated 30.06.2023.



W.P.(MD)No.18779 of 2023

2. It is submitted by learned counsel for the petitioner that the petitioner is a retired Major from the Indian Army and after his retirement, he is residing in the house of his wife, who has been working as the Sub Inspector of Police.

3. It is submitted by learned counsel for the petitioner that the petitioner was admitted in De-Addiction Centre from 30.01.2023 to 03.02.2023 in Brindavan De-Addiction Centre, Natham, Dindigul and during that time, according to the petitioner, his wife has withdrawn Rs.53,00,000/- (Rupees Fifty Three Lakhs only), terminal benefits belonging to the petitioner's service from his bank account bearing No.30959606961 of the State Bank of India, which is a joint account, which can be operated either by the husband or by the wife. So far as the allegation that his wife has illegally withdrawn the money is concerned, *prima facie* there is no illegality as the petitioner as well as his wife either individually or jointly can operate the account. The petitioner could not explain the offence committed by his wife. If no offence is committed by his wife the petitioner is expected to approach the appropriate Civil Court.

4. It is submitted further by learned Government Advocate (Criminal Side) that this a second round of litigation and earlier, the petitioner made an application to the higher officials, which was ultimately, forwarded to the respondent Police, which has been registered the same as Current Paper and



W.P.(MD)No.18779 of 2023

after thorough enquiry, the said representation of the petitioner was closed on
22.05.2023.

5. In view of the above, since no offence is allegedly committed by the wife of the petitioner, since the dispute raised by the petitioner has already been considered by the respondent Police and resolved, no further direction can be given to the respondent Police.

6. Accordingly, the Writ petition stands dismissed. No costs.

03.08.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
tsg

To

- 1.The Commissioner of Police,
Madurai City.
- 2.The Inspector of Police,
Tallakulam Police Station,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



W.P.(MD)No.18779 of 2023

DR.D.NAGARJUN, J.

tsg

W.P.(MD)No.18779 of 2023

03.08.2023