



W.P.(MD) No.20874 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2023

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

W.P.(MD) No.20874 of 2023

Balasubramanian

... Petitioner

Vs.

1.The Superintendent of Police,
Tirunelveli District.

2.The Inspector of Police,
Vikaramasingapuram Police Station,
Tirunelveli District.

3.S.Devi

4.Sivaraj

5.Vellammal

..Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to take necessary action on the basis of the complaint, dated 04.08.2023 and the consequential representation dated 11.08.2023.

For Petitioner : Mr.G.Prabhu Rajadurai
For R1 & R2 : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)



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ORDER

This petition is filed under Article 226 of the Constitution of India seeking for a Mandamus to respondent Nos.1 and 2 Police to take necessary action against the unofficial respondents on the basis of complaints given by him, dated 04.08.2023 and 11.08.2023.

2. It is submitted by learned counsel for the petitioner that the unofficial respondents have trespassed into the petitioner's house on 04.08.2023 and committed theft of gold jewellery worth about twenty sovereigns and cash of about Rs.5,000/-, however, the respondent Police have not taken any action on the strength of a complaint given by him on 04.08.2023 and another representation, dated, 11.08.2023.

3. Ms.R.Karthika, counsel, reportedly representing unofficial respondents, has requested time for a week to file the counter. since the petitioner has not sought for any relief against the unofficial respondents and since the petitioner sought for only a direction given to the respondent Police, the request of Ms.R.Karthika, representing the unofficial respondents is hereby rejected.



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4. Learned Government Advocate (Criminal Side) submitted that, on the basis of a complaint, dated 04.08.2023 and a representation, dated 11.08.2023, an enquiry was initiated in C.S.R.No.607 of 2023 and conducted the enquiry on 22.08.2023 and on conclusion of enquiry, the respondent Police have closed the complaint and representation of the petitioner holding that on account of a civil dispute pending between the petitioner and unofficial respondents in respect of the immovable properties and on examining the CCTV footages submitted by the rival parties, the respondent Police have concluded that the petitioner has filed the complaint with exaggerated versions. Learned Government Advocate (Criminal Side) fairly submitted that the petitioner is also failed to submit in respect of the receipt of the jewellery allegedly committed theft by the unofficial respondents, however, the learned counsel for the petitioner submitted that no enquiry was conducted.

4. In view of the fact that the complaint filed by the petitioner, dated 04.08.2023 and the representation of the petitioner, dated 11.08.2023, were closed and no action has been initiated on those petitions while closing this petition,



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liberty is given to the petitioner to approach the Judicial Magistrate Court, in case, if he is aggrieved by the outcome of the investigation of the Police and file a complaint under Section 200 Cr.P.C.

5. Accordingly, this Writ Petition is closed in view of the closure of the complaint, dated 04.08.2023 and the representation, dated 11.08.2023, given by the petitioner. No costs.

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

28.08.2023

tsg

To

- 1.The Superintendent of Police,
Tirunelveli District.
- 2.The Inspector of Police,
Vikaramasingapuram Police Station,
Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN. J.

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