



W.P(MD)No.24308 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2023

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P(MD)No.24308 of 2023

Hariharan

... Petitioner

Vs.

1. The Superintendent of Police,
Theni,
Theni District.
2. The Inspector of Police,
Theni Town Police Station,
Theni District.
3. The Inspector of Police,,
District Crime Branch
Theni District.
4. The Ugro Capital Limited (Mumbai),
Theni Branch,
Theni District.
5. Kesavan,
The Branch Manager,
The Ugro Capital Limited (Mumbai),
Theni Branch
Theni District.
6. Saravanan

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent not to interfere the financial transaction and consequently directing the respondents 1 and 2 to take appropriate action against the respondents 5th and 6th on the basis of the petitioner's complaint dated 28.09.2023 within time stipulated by this Court.

For Petitioner : Mr.C.Jeganathan
For R1 and R2 : Mr.R.M.Anbunithi,
Additional Public Prosecutor.

ORDER

This writ petitioner filed this Writ Petition seeking for issuance of a Writ of Mandamus, directing the 3rd respondent not to interfere the financial transaction and consequently directing the respondents 1 and 2 to take appropriate action against the respondents 5th and 6th on the basis of the petitioner's complaint dated 28.09.2023 within time stipulated by this Court.

2. Mr.R.M.Anbunithi, learned Additional Public Prosecutor takes notice for the respondents.

3.Heard both sides.



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4. The learned Additional Public Prosecutor would submit that on the basis of the complaint given by the fifth respondent, enquiry was undertaken in C.No.2794 of 2023. During the course of enquiry, it was found that in respect of the transaction between the parties, for the offences under Section 138 of Negotiable Instrument Act, the complaint is pending before the concerned Judicial Magistrate Court in Calcutta. Warrant has been issued against the fifth respondent's company in the above said proceedings under Section 138 of Negotiable Instrument Act. Since, there is no scope for the enquiry in complaint given the petitioner, the above said complaint was closed on 27.09.2023 advising the parties to workout their remedy through Court.

5. In view of the submissions made by the learned Additional Public Prosecutor, nothing survives for further consideration or direction in this matter.



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6. With the above said directions, this writ petition stands disposed

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09.10.2023

NCC : Yes/No

Index : Yes/No

Internet : Yes/ No

Indu

To

1. The Superintendent of Police,
Theni,
Theni District.
2. The Inspector of Police,
Theni Town Police Station,
Theni District.
3. The Inspector of Police,,
District Crime Branch
Theni District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN, J

Indu

Order made in
W.P(MD)No.24308 of 2023

Dated : 09.10.2023