



W.P(MD)No.29910 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2023

CORAM :

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

W.P(MD) No.29910 of 2023

F.Thomas Rymon

... Petitioner

Vs.

1.The Commissioner of Police,
Tirunelveli City.

2.The Inspector of Police,
City Crime Branch,
Tirunelveli City.

3.F.Sudhakar

4.F.Rajasekar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st and 2nd respondents to take action on the petitioners complaint dated 09.08.2023 under the criminal law in the light of the dictum laid down by the Honble Supreme Court of India in the case of Lalita Kumari Vs. Government of Uttar Pradesh and others reported in (2014) 2 SCC 1.

For Petitioner

: Mr.R.Anand

For R1 & R2

: Mr.R.M.Anbunithi

Addl.Public Prosecutor (Crl.side)



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ORDER

This Writ Petition is filed in the nature of Writ of Mandamus, directing the 1st and 2nd respondents to take action on the petitioners complaint dated 09.08.2023.

2. The facts in brief is that, the respondents 3 and 4 are brothers. The petitioner belongs to the very same village, so the know each other. The fourth respondent informed him that he is running a company called Rajan Construction and Mary Construction and engaged in a contract work with Tamil Nadu Electricity Board. They sought official assistance. Believing their words a total sum of Rs.37,50,000/- was paid to them. Later Rs.10,000/- was also arranged and gave to them. But whenever demand was made, the private respondents did not respond. On the basis of the above said occurrence, the petitioner lodged a complaint on 09.08.2023 to the first respondent which was forwarded to the second respondent. Since no proper action has been taken, this petition is filed.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 and 2.



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4. Reading of the complaint shows that it is purely a money transaction issue between the petitioner and the private respondents herein. In the money transaction issue, the second respondent have no role to play. A petition for Writ of Mandamus will not lie. The petitioner has to prosecute the matter on the civil side. I find absolutely, no reason to entertain this petition. If any complaint is pending before the second respondent, who shall close the complaint, by advising the parties to work out remedy through civil proceedings.

5. With this direction, this Writ Petition is dismissed. No costs.

18.12.2023

NCC :Yes/No

Index :Yes/No

Internet : Yes/ No

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To

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

Order made in
W.P(MD)No.29910 of 2023

Dated 18.12.2023