



W.P.No.9262 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.04.2024

CORAM

THE HON'BLE Dr.JUSTICE **G.JAYACHANDRAN**

W.P.No.9262 of 2024

and

W.M.P.No.10291 of 2024

1.Sarath Babu

2.Madhan Raj

... Petitioners

Vs.

1.The Superintendent of Police,
Kanchipuram District.

2.The Deputy Superintendent of Police,
District Crime Branch,
Vandhavasi Road,
Kanchipuram.

3.The Special Sub Inspector,
District Crime Branch,
Kanchipuram.

4.E.Thirunavukarasu

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 3rd respondent herein to desist from interfering with the civil dispute between the petitioners and the 4th respondent herein.



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For Petitioners : Mr.M.R.Thangavel

For R1 to R3 : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

ORDER

This Writ Petition is filed seeking Mandamus directing the 3rd respondent not to interfere in the civil dispute between the petitioners and the 4th respondent.

2. According to the petitioners, there is a civil dispute between them and the 4th respondent and the same is pending in O.S.No.127 of 2010. While so, under the guise of enquiry, they were called and cheques were obtained from them.

3. However, the learned Government Advocate (Crl.Side) appearing for the respondent police submits that there are three complaints so far received and the petitioners were called for enquiry and the police has not registered any case against them. The latest complaint received on 23.02.2024 from one Karthik alleging that Rs.8 Crores been cheated by these petitioners. In the said complaint No.301/G4/2024, preliminary enquiry to be conducted. To avoid the same, the present Writ



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Petition is filed, as if police is interfering in the civil dispute.

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4. This Court is of the view that when a complaint received by the police alleging cheating, they are bound to make enquiry and find out whether any cognizable offence is made out. The Court cannot held them from making enquiry, but such enquiry must be in accordance with law and guidelines of the Hon'ble Supreme Court. Therefore, it is suffice to direct the respondent police that the complaint dated 23.02.2024 by Karthick received by the respondent police by registered post, it could be enquired in accordance with law. The petitioner should cause summons for appearance and only after satisfy that if any criminality of cognizable offence is made out, they have to proceed further further

5. With this observation, this Writ Petition is disposed of. Consequently, the connected Miscellaneous Petition is closed.

05.04.2024

rpl



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Dr.G.JAYACHANDRAN, J.

rpl

To

1.The Superintendent of Police,
Kanchipuram District.

2.The Deputy Superintendent of Police,
District Crime Branch,
Vandhavasi Road,
Kanchipuram.

3.The Special Sub Inspector,
District Crime Branch,
Kanchipuram.

4.The Public Prosecutor,
High Court of Madras,
Chennai

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