



WP.No.14380 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

WP.No.14380 of 2024

A.Reniprabha

... Petitioner

Vs.

1. The Superintendent of Police,
O/o. The Superintendent of Police,
Erode-638 001.
2. The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Erode-638 001.
3. The Inspector of Police,
B3 North Police Station,
Erode-638 011.
4. D.Vasanthi
5. P.Periyasamy

... Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the respondents 1 to 3 not to deal or interfere with the civil disputes arose between the petitioner and the respondents 4 and 5 and also direct the 1st respondent to consider the petitioner's complaint dated 04.07.2022 and dispose of the same.



WP.No.14380 of 2024

For Petitioner : Mr.S.Jayakumar

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

ORDER

The petitioner herein is before this Court alleging that the respondent police on the complaint given by the private respondents 4 and 5 are interfering in the civil dispute. Therefore, she has given a complaint before the 1st respondent on 04.07.2022 is not yet been disposed of.

2. The learned Government Advocate (Crl.Side) after notice on instructions states that the husband of the petitioner by name Udhayakumar had involved in the offence of job racketing collected money from several persons and cheated. He died suddenly and therefore persons who have lost money to Udhayakumar had initiated proceedings. Being the wife of Udhayakumar, enquiry been conducted with the petitioner herein. Earlier, when the police enquired with the petitioner, they found that she had infact promised the victims to repay the money, but, after paying portion of the money has denied to make payment and since the entire issue has the trapping of civil dispute, they have closed



WP.No.14380 of 2024

the complaint for present till the opinion from the Legal Adviser is obtained. There is no civil dispute as such and the complaint having the trappings of criminal overt act, the police proposed to proceed after getting the opinion from the legal cell.

3. The petitioner's complaint dated 04.07.2022 also been taken note while enquiring the complaint given by the respondents 4 and 5 and therefore the petitioner need not apprehend that their representations will be not taken note of.

4. This Court on perusing the records and the materials placed by the learned Government Advocate (Crl.Side) finds that the complaint of cheating by promising job is under investigation. The prime accused has dead and the petitioner is the wife of the prime accused. Infact, she had stated about the assets and liability left by her deceased husband. The Police in the midst of enquiry had thought fit that it is to be ascertained whether the complaint has any trapping of criminal overt act and possession of crime proceeds alleged to have been left behind by her deceased husband. Therefore, the petitioner need not apprehend that the police is contemplating to interfere in the civil dispute.



WP.No.14380 of 2024

5. From the submissions made by the learned Government Advocate, it is clear that only after obtaining opinion from the legal cell , the Investigating Officer is likely to proceed further on the current paper No.243 of 2024 initiated on the complaint by P.Periyasamy, the 5th respondent herein. Therefore, this Court finds there is no reasons to entertain this writ petition at this stage.

6. Accordingly, Writ Petition is dismissed. No costs.

Vv

12.06.2024

To

1. The Superintendent of Police,
O/o. The Superintendent of Police,
Erode-638 001.
2. The Deputy Superintendent of Police,
O/o. The Deputy Superintendent of Police,
Erode-638 001.
3. The Inspector of Police,
B3 North Police Station,
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WP.No.14380 of 2024

Dr.G.JAYACHANDRAN,J.

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WP.No.14380 of 2024

12.06.2024