



W.P.No.18082 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:05.07.2024

Coram:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

W.P.No.18082 of 2024

B.Jayalakshmi, aged 40 years(female)
Correspondent,
Galaxy Nursery and Primary School,
Veppamthattai, Thalai Nagar,
Vengalam Post, Perambalur District,
Tamil Nadu.

.. Petitioner

/versus/

1.The Superintendent of Police,
The Office of Superintendent of Police,
Perambalur District, Perambalur, Tamil Nadu.

2.The Deputy Superintendent of Police,
Perambalur, Perambalur District, Tamil Nadu.

3.The Inspector of Police,
Arumbavur Police Station, Perambalur District. .. Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the 1st and 3rd respondents to consider the complaint dated 10.06.2024 to provide adequate police protection for the peaceful running of the Galaxy Nursery and Primary School.



W.P.No.18082 of 2024

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For Petitioner :Mr.P.Uma

For Respondents :Mr.S.Udaya Kumar
Govt.Advocate (Crl.Side)

ORDER

The petitioner herein called by the respondents police to enquire about the complaint is before this Court stating that the money transaction between the petitioner and the creditors has now been given a criminal colour and with the help of the police by force, they are trying to recover the money.

2. The learned Government Advocate (Crl.Side) appearing for the respondents submitted that the complaint for cheating been received by five persons. In this connection, to find out whether it is purely civil dispute or the case of cheating, the respondents police has called the petitioner to appear for enquiry on 04.07.2024, but the petitioner had not appeared for enquiry.

3. The learned counsel appearing for the petitioner submitted that to discharge the said loan, the petitioner gave cheque and the said



W.P.No.18082 of 2024

cheque been bounced and therefore, the complaint has been initiated under Section 138 of NI Act. Therefore, there cannot be any other criminal complaint for the same transaction.

4. The contention of the Government Advocate is that the petitioner ought to have appeared before the Investigating Officer for them to appreciate, whether any *prima facie* case is made out against the petitioner. Instead, the petitioner has approached this Court without participating in the enquiry by issuance of summon. It is made clear that the respondent police shall conduct the investigation in accordance with law and shall not permit her creditors to take law in their hands.

5. In view of the above, this Writ Petition is dismissed. No costs.

05.07.2024

Index:yes/no
Neutral Citation:yes/no
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W.P.No.18082 of 2024

To:

- 1.The Superintendent of Police,
The Office of Superintendent of Police,
Perambalur District, Perambalur, Tamil Nadu.
- 2.The Deputy Superintendent of Police,
Perambalur, Perambalur District, Tamil Nadu.
- 3.The Inspector of Police,
Arumbavur Police Station, Perambalur District.
- 4.The Public Prosecutor, High Court, Madras.



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W.P.No.18082 of 2024

DR.G.JAYACHANDRAN,J.

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W.P.No.18082 of 2024

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