



WEB COPY



W.P.No.3376 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.04.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.3376 of 2024

Kannan

... Petitioner

Vs.

1. The Chief Secretary,
Govt. Of Tamil Nadu,
Fort St. George,
Chennai-600 009.

2. The Director General Of Police,
Tamil Nadu,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.

3. The District Collector,
Cuddalore District.

4. The Superintendent Of Police,
Cuddalore District.

5. S.Ramesh Prabakaran

... Respondents

Prayer :- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, to direct the respondents 1 and 2 to take proper action against the respondents 3 and 4 for misusing the official capacity besides recovering petitioner hard earned money.



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For Petitioner : Mr.E.R.Gurubalachandran

For Respondents : Mr.T.Venkatesh Kumar,
Special Government Pleader,
(for R1 & R3);

Mr.S.Vinoth Kumar,
Government Advocate (Crl.Side),
(for R2 & R4);

Mr.K.Siva Kumar (for R5).

ORDER

The writ of mandamus has been instituted to direct the respondents 1 and 2 to take proper action against the respondents 3 and 4 for misusing the official capacity besides recovering petitioner's hard earned money.

2. With reference to the relief sought for in the present writ petition, it is contended that incorrect allegations are set out in the writ petition. A criminal complaint was registered against the writ petitioner by the de facto complainant, alleging cheating. An FIR was registered by the Police. Thereafter, the petitioner settled the amount to the complainant and the said factum has been stated by the petitioner himself in his affidavit filed in support of the writ petition. Paragraph No.12 of the affidavit of the petitioner reads as under:



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12. I further submit that I had been called to police station and made to make some payment and leave the police station. Hence with no other go, I had paid a sum of Rs.54,75,000/- (Rupees Fifty Four Lakhs and Seventy Five Thousand only) on various dates as detailed below:

<i>Sl.No.</i>	<i>Date</i>	<i>Amount</i>
<i>1</i>	<i>29-10-2021</i>	<i>Rs.5,00,000/-</i>
<i>2</i>	<i>02-05-2022</i>	<i>Rs.5,00,000/-</i>
<i>3</i>	<i>12-05-2022</i>	<i>Rs.4,00,000/-</i>
<i>4</i>	<i>20-06-2022</i>	<i>Rs.3,00,000/-</i>
<i>5</i>	<i>28-09-2022</i>	<i>Rs.5,00,000/-</i>
<i>6</i>	<i>07-12-2022</i>	<i>Rs.10,00,000/-</i>
<i>7</i>	<i>07-12-2022</i>	<i>Rs.2,00,000/-</i>
<i>8</i>	<i>07-12-2022</i>	<i>Rs.2,75,000/-</i>
<i>9</i>	<i>11-01-2023</i>	<i>Rs.10,00,000/-</i>
<i>10</i>	<i>29-06-2023</i>	<i>Rs.5,00,000/-</i>
<i>11</i>	<i>29-06-2023</i>	<i>Rs.3,00,000/-</i>
	<i>Total</i>	<i>Rs.54,75,000/-</i>

3. In view of the fact that a criminal complaint under Section 420 IPC was registered against the writ petitioner and the petitioner has settled the amount to the de facto complainant to his satisfaction, and the de facto complainant also received the said amount, no further adjudication is required.



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4. However, the learned counsel for the petitioner states that he paid the amount in excess to the de facto complainant. If so, the petitioner is at liberty to approach the competent Civil Court of law for the purpose of establishing the commercial transaction between the petitioner and the de facto complainant in the manner known to law.

5. With these observations, the writ petition stands dismissed.

However, there shall be no order as to costs.

15.04.2024

Index : Yes

Speaking Order

Neutral Citation : Yes

(sha)



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S.M.SUBRAMANIAM. J.,

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