



W.P(MD)No.1108 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.02.2024

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.1108 of 2024

M.C.Swamy

... Petitioner

-Vs-

1.The Public Information Officer,
Office of Commissioner of Police,
Alagar Koil Road, Pudur,
Madurai – 625 002.

2.The Public Information Officer/
The Inspector of Police,
CCB Wing – 1,
Kudirai Padai Quarters,
Viswanathapuram,
Madurai – 625 014.

3.The Inspector of Police,
C-2, Thilakarthal Police Station,
Madurai – 625 003.

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents to furnish the list of persons examined and copies of the statements recorded during investigation and also the documents collected during the investigation/enquiry in C.No.67/Camp-PG/COP-MC/2023



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Dated 22.05.2023 and C.No.40/AC.CCB/COP.PG/MC/2023 Dated 22.05.2023 and the reports if any sent to the Higher Officials.

For Petitioner : Mr.G.Rajaram
For Respondents : Ms.M.Aasha
Govt. Advocate (crl. side)

ORDER

This writ petition is filed seeking for issuance of a Writ of Mandamus to direct the respondents to furnish the list of persons examined and copies of the statements recorded during investigation and also the documents collected during the investigation/enquiry in C.No.67/Camp-PG/COP-MC/2023 Dated 22.05.2023 and C.No.40/AC.CCB/COP.PG/MC/2023 Dated 22.05.2023 and the reports, if any, sent to the Higher Officials.

2. The case of the petitioner is that the property in Door No.179/6/1, Meenakshi Amman Nagar, Madurai – 7 was owned by the petitioner and his wife and son. The purchaser of the said property criminally intimidated them to execute the sale deed by making false promise. The mediators also supported the purchasers. Therefore, they honestly believed and yielded to their request and because of that, they landed in trouble. Hence, the



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petitioner has presented a complaint to the Commissioner of Police, Madurai on 22.05.2023 and the petitioner's son also presented a petition on 30.11.2022 regarding the cheating, breach of trust, unlawful house breaking against one Senthilkumar and Karthika Lakshmi. The said complaint was forwarded to the Assistant Commissioner, CCB, who in turn, forwarded the same to CCB, Madurai-I, for taking further action. Thereafter, the petitioner sent a letter dated 19.12.2023 under the Right to Information Act to the respondents requested them to furnish the list of people enquired and statements recorded during the investigation and also the documents collected during the investigation/enquiry and if any report sent to the Commissioner of Police. Though the respondents have received the said letter, they have not furnished the documents sought for by the petitioner. The petitioner has not received any information regarding the investigation. Hence, the petitioner has filed the present writ petition seeking the above said relief.

3. The learned Government Advocate (Criminal Side) would submit that based on the complaint given by the petitioner, the respondent police have conducted an enquiry. Though various summons have been issued to



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the petitioner, the petitioner has not cooperated for the enquiry. During enquiry, the accused paid Rs.25,00,000/- out of Rs.30,00,000/-. However, the petitioner has accepted the fact that only they have received Rs. 15,00,000/-. The petitioner has not accepted the fact that they have received Rs.10,00,000/- before one Muthuvel. Though the respondent police sent summons to the said Muthuvel to appear on 23.09.2023, he has not appeared. She would further submit that on enquiry, the accused has given a letter stating that they are ready and willing to settle the issue and according to them, they have paid Rs.25,00,000/- and they have to pay only Rs. 5,00,000/-. She would further submit that now, the complaint given by the petitioner has been forwarded to the Thilakar Thidal Police Station.

4. It is seen that the petitioner has given a complaint on 22.05.2023 to the respondent police, however, till date, they have not taken any steps to consider the complaint of the petitioner and even they have not registered the First Information Report. The petitioner has given a complaint for taking steps in respect of cheating, breach of trust, unlawful house breaking. However, the respondent police have not taken any steps in respect of breach of trust and unlawful house breaking. The respondent police tried to



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settle the matter only in the money matter. Now, they simply stated that they have sent the complaint to the Thilakar Thidal Police Station. According to the petitioner, the said police station has no jurisdiction, as he has given the complaint before the City Crime Branch. According to the respondent, now the disputed amount is only Rs.5,00,000/-. Hence, they forwarded the complaint to the Thilakar Thidal Police Station. Originally, the petitioner has given a complaint for Rs.37,00,000/- which would not come under the jurisdiction of the Thilakar Thidal Police Station. The charges of cheating, breach of trust, unlawful house breaking are different and it has to be dealt with according to law.

5. In view of the above, considering the facts and circumstances of the case, this Court by moulding the prayer sought for by the petitioner, directs the respondent police to proceed further in respect of the petitioner's complaint in the manner known to law. The petitioner is entitled to get the copies as per the procedure established as already enquiry has been conducted.



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costs.

6. With the above directions, this writ petition stands disposed of. No

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NCC : Yes/No
Index : Yes/No
Internet : Yes
skn

To

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