



WP(MD) No.2539 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.02.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD) No.2539 of 2024

Vijaya

... Petitioner

/vs./

1.The Superintendent of Police,  
Madurai District,  
Madurai.

2.The Inspector of Police,  
Othakkadai Police Station,  
Madurai.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to consider the petitioner's complaint dated 25.08.2023 and register the same as FIR as per law.

For Petitioner : Mr.M.M.Manivelpandian  
For Respondents : Mr.B.Thanga Aravindh  
Government Advocate (Crl.side)



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### **ORDER**

The learned Counsel for the Petitioner submits that the Petitioner had filed this Writ Petition seeking direction against the Respondents to consider the Petitioner's complaint dated 25.08.2023 and register the same as FIR as per law. It is his submission that the Petitioner had lodged a complaint with the second Respondent regarding purchase of Harvester Machine by availing loan to the tune of Rs.5,00,000/- from the SBI Bank, Melur Branch. One Manoj Kumar, who introduced himself as Proprietor of AA Group Company and Distributor of Karthar Harvester Machine, had informed the Petitioner that he will arrange the loan for purchase of Harvester Machine through the SBI Bank. Based on his representation, the Petitioner applied for Bank loan through SBI Bank, Melur Branch and she had mortgaged the property, agricultural land, which she had been cultivating, on 27.12.2022. Based on her documents, the Branch Manager, SBI Bank, Melur Branch, had advanced the loan, but the loan was credited in the account of the said Manoj Kumar, who introduced himself as Proprietor of AA Group Company and Distributor of Karthar Harvester Machine. The Harvester Machine was not delivered to the Petitioner. On her enquiry, she came to know that based on the documents executed as mortgage by her, the Branch Manager,



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SBI Bank, Melur Branch, in connivance with the said Manoj Kumar had cheated the Petitioner and swindled the amount advanced as loan on the properties mortgaged by the Petitioner, but not delivering the Harvester Machine as was promised by the said Manoj Kumar. Therefore, she was forced to give a complaint to the second Respondent. Till date, the second Respondent had not taken any action. Therefore, the Petitioner was forced to file this Writ Petition seeking Writ of Mandamus against the Respondents 1 and 2.

2.The learned Government Advocate (Crl.side), on instructions, would submit that the Petitioner is alleged to have attacked the said Manoj Kumar, based on which a complaint was lodged by the said Manoj Kumar with the second Respondent. Meanwhile, the Petitioner herself had lodged the complaint to the Superintendent of Police. Based on the complaint of the Petitioner, the District Crime Branch Police were directed to enquire by the Superintendent of Police, Madurai Rural.

3.The learned Counsel for the Petitioner submits that after giving the complaint to the Superintendent of Police, when the Police had taken action, the



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said Manoj Kumar, had attacked the Petitioner, for which the Petitioner was forced to give a complaint to the second Respondent. After receiving the complaint from the Petitioner, the second Respondent is alleged to have received the complaint from Manoj Kumar, who attacked the Petitioner and based on his complaint, the second Respondent had registered a case for the offences under Section 307 IPC against the Petitioner and had not registered the case based on the complaint of the Petitioner. Therefore, she was forced to file this Petition.

4.The learned Government Advocate (Crl.side) by way of reply submits that based on the Petitioner's complaint, the Superintendent of Police had directed the District Crime Branch to register a case. Accordingly, the FIR in Crime No.32 of 2023 was registered in the month of December, 2023 and suppressing the same, the Petitioner had approached this Court seeking directions.

5.The Petitioner had not mentioned about the registration of the FIR by the District Crime Branch in the Petition. Therefore, it is found that as per the submission of the learned Government Advocate (Crl.side), the Petitioner seeks directions against the said Manoj Kumar for the attack caused on her. Therefore,



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the Respondents 1 and 2 are directed to enquire into the complaint of the Petitioner herein and if any cognizable offence is made out, even if the case is registered against the Petitioner for the assault caused on her by the said Manoj Kumar, the Respondents 1 and 2 are directed to register a case and proceed accordingly.

With the above directions, this Writ Petition is disposed of. No costs.

**08.02.2024**

Index : Yes / No  
Internet : Yes / No  
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**TO:**

- 1.The Superintendent of Police,  
Madurai District,  
Madurai.
- 2.The Inspector of Police,  
Othakkadai Police Station,  
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**SATHI KUMAR SUKUMARA KURUP, J.**

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Order made in  
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Dated:  
**08.02.2024**