



WP(MD) No.3546 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.02.2024**

CORAM:

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

W.P.(MD) No.3546 of 2024

P.Muniyasamy

... Petitioner

/vs./

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

2.The Inspector of Police,
Sivagangai Town Station,
Sivagangai.

3.Santhi

4.Sundaram

5.Rajendran

6.Deivendran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents 1 and 2 to take necessary action upon the Petitioner's complaint dated 29.01.2024 to Ref.No.HAP24038982, which is pending before the first Respondent.



WP(MD) No.3546 of 2024

WEB COPY

For Petitioner : Mr.P.Venkatesan

For R-1 and R-2 : Mr.M.Veeranthiran
Government Advocate
(Criminal Side)

ORDER

When the case came up for hearing on 16.02.2024, this Court passed the following order:

The learned Counsel for the Petitioner submitted that the Petitioner's two wheeler, namely, TVS Starcity+, Engine No.CK2E1903446 and Frame No.MD625AK 26P1E03530, worth about Rs.85,000/-, was parked in front of his house. It was stolen by the third Respondent with the help of the Respondents 4 to 6. The Petitioner came to know about the same only from CCTV footage, which was installed in the Petitioner's house. Along with CCTV footage, the Petitioner had given a complaint to the second Respondent. The learned Counsel further submitted that the Petitioner is running a dairy business and he needs two wheeler for distribution of milk to the various persons in the locality. Hence, the Petitioner purchased the above said two wheeler for a sum of Rs.85,000/- and the same was stolen by the third Respondent along with the help of the Respondents 4 to 6. In spite of the complaint of the Petitioner dated 29.01.2024, the second Respondent had not taken any action on the complaint. Therefore, he was forced to file this



WP(MD) No.3546 of 2024

WEB COPY

Writ Petition seeking a direction against the Respondents 1 & 2.

2. On request of the learned Government Advocate(Crl.side), list on 20.02.2024 at 02.15 pm., under the caption “Part-Heard”.

2. Today, when the matter was taken up for hearing, the learned Counsel for the Petitioner submitted that the subsequent to the earlier hearing date, the Sub Inspector of Police namely, Parthasarathi, Sivagangai Town Police Station called the Petitioner over his mobile phone and stated that if the petition is not withdrawn, the accused who is alleged to have taken away the said unregistered vehicle will trespass into the house and even kill him. Therefore, threat was held out on behalf of the accused forcing the Petitioner to withdraw the complaint and to withdraw the Writ Petition.

3. The learned Government Advocate (Criminal Side) objects to the same and submitted that the vehicle had been recovered.

4. The learned Counsel for the Petitioner dispute the same stating that subsequently another two wheeler was also taken away by the accused.



WP(MD) No.3546 of 2024

WEB COPY

5. The learned Government Advocate (Criminal Side) would submit that there was a CSR pending against the Petitioner, based on the complaint of the third Respondent. In the CSR, both the parties were summoned and enquired. In the enquiry, the Petitioner undertook to repay the amount that was obtained as loan from the said Shanthi. Also, the learned Government Advocate furnished the undertaking given by the Petitioner.

6. Earlier, the Petitioner had moved Writ Petition in W.P.(MD).No.12943 of 2023 seeking direction against the Respondent Police to take appropriate action based on the complaint of the Petitioner dated 22.03.2023 and this Court vide order dated 06.06.2023 disposed of the Writ Petition, directed the Respondent Police to conduct enquiry, based on which enquiry was conducted.

7. Considering that the Petitioner herein had agreed to repay the amount and the earlier order of this Court in W.P.(MD).No.12943 of 2023, the contention of the learned Government Advocate is accepted and this Writ Petition is dismissed. No costs.

20.02.2024

<https://www.mhc.tn.gov.in/judis> : Yes / No



WP(MD) No.3546 of 2024

WEB COPY

Index : Yes / No

Internet : Yes / No

Nsr

TO:

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Sivagangai District,
Sivagangai.
- 2.The Inspector of Police,
Sivagangai Town Station,
Sivagangai.



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WP(MD) No.3546 of 2024

SATHI KUMAR SUKUMARA KURUP, J.

Nsr

Order made in
W.P.(MD)No.3546 of 2024

Dated:
20.02.2024