



WP(MD) No.3511 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2024

CORAM:

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

W.P.(MD) No.3511 of 2024

Ramasamy

... Petitioner

/vs./

1. The Superintendent of Police,
Virudhunagar District, Virudhunagar.
- 2.The Deputy Superintendent of Police,
Sathur Range, Virudhunagar District.
3. The Inspector of Police
Sathur Town Police Station,
Sathur, Virudhunagar District.
- 4.Maheswari

5.Ashwin

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents 1 to 3, to initiate appropriate legal action based on the Petitioner's complaint dated 29.12.2023 and 06.02.2024 in accordance with law within a stipulated time.

For Petitioner : Mr.P.Ponraj

For R1 to R3 : Mr.M.Veeranthiran

Government Advocate (Criminal Side)



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ORDER

The learned Counsel for the Petitioner submits that the Petitioner had filed this Writ Petition to direct the Respondents 1 to 3, to initiate appropriate legal action based on the Petitioner's complaint dated 29.12.2023 and 06.02.2024

2. The learned Counsel for the Petitioner submits that the Petitioner was working as a Cook in the Cargo ship. Once in six months, he has to visit his native village to meet his family. In the year 2020, one Chandrasekaran introducing himself as a businessman in the place of residence of the Petitioner sought money for investment from the Petitioner. Believing the representation of the said Chandrasekaran, the Petitioner had invested Rs.29,00,000/-. The said Chandrasekaran is the husband of the fourth Respondent and the business was in the field of real estate. By instalments, the Petitioner had deposited the money directly in the Bank account of the fourth Respondent's Bank Account. Subsequently, the said Chandrasekaran died. After the death of Chandrasekaran, the fourth Respondent approached the Petitioner that for out standing dues, the fourth Respondent will execute a house in favour of the Petitioner. Subsequently,



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she stated that she will not pay any amount. Therefore, the Petitioner was forced to give a complaint against the fourth Respondent. The third Respondent registered C.S.R.No.26/2024, but, had not taken any action. Therefore, the Petitioner seeks direction against the Respondents 1 to 3, regarding action against the Respondents 4 and 5. The fifth Respondent is the son of the fourth Respondent.

3. The learned Government Advocate (Criminal Side) appearing for the Respondent Police, on instructions, would submit that the Petitioner had not given details regarding payment made by him in instalments and dates also not mentioned. The said Chandrasekaran died on 20.12.2023. If the Petitioner and the private Respondents appeared, the Respondent Police undertook that they will sought out the dispute before the Civil Court.

4. The learned Counsel for the Petitioner submits that the third Respondent had enquired one Ramamoorthy and not the Petitioner herein. The Petitioner's name is Ramasamy, whereas, the said Ramamoorthy is also a partner to the said Chandrasekaran in his real estate business. Recording the statement



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of the Ramamoorthy, the third Respondent had closed the C.S.R. Therefore, the Petitioner was forced to approach this Court.

5. The learned Government Advocate (Criminal Side) reply to the rejoinder, states that the Respondents are ready to enquire the Petitioner. The Respondents 4 and 5 filed a suit in O.S.No.2 of 2024, before the learned District Munsif Court, Sattur and had given statement to the Respondent Police that he will sort out the dispute before the Civil Court.

6. Recording the submissions of the learned Government Advocate (Criminal Side) for the Respondents 1 to 3, the Petitioner is directed to appear before the Civil Court for appropriate relief.

7. With the above observation, this ***Writ Petition*** is dismissed.

No costs.

16.02.2024

Index : Yes / No
Internet : Yes / No
LS

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Virudhunagar.
2. The Deputy Superintendent of Police,
Sathur Range,
Virudhunagar District.
3. The Inspector of Police
Sathur Town Police Station,
Sathur,
Virudhunagar District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP.J.

LS

Order made in
W.P.(MD)No.3511 of 2024

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