



WP(MD) No.4304 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.03.2024

CORAM:

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

W.P.(MD) No.4304 of 2024

Indirani

... Petitioner

/vs./

1.The Superintendent of Police,
District Crime Branch,
Thiruchirapalli District,
Thiruchirapalli.

2.The Deputy Superintendent of Police,
District Crime Branch,
Thiruchirapalli District,
Thiruchirapalli.

3.The Inspector of Police, (L&O),
Thuraiyur,
Thiruchirapalli District,
Thiruchirapalli.

4.S.Xavier

5.N.Keerthikaran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to consider the representation given by the petitioner dated 21.06.2023 and 02.05.2023 on the basis of the undertaken given by the third respondent and direct the second respondent to complete the investigation within the period as fixed by this Court.



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For Petitioner : Mr.K.Muthu Ganesa Pandian
For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)

ORDER

The learned Counsel for the Petitioner submits that the Petitioner had filed this petition for issuance of Writ of Mandamus, seeking direction against the Respondent Police to consider the Petitioner's representation dated 21.06.2023 and 02.05.2023 and to complete the investigation within a stipulated period.

2. The learned Counsel for the Petitioner had submitted his arguments as early as on 26.02.2024 and on that day, the learned Government Advocate (Criminal Side) sought time to file their response.

3. Today, when the matter came up for hearing, the learned Government Advocate (Criminal Side) had filed status report, in which it is stated that the Petitioner is alleged to have executed mortgage deed in favour of the Finance Company namely, Shri Selva Vinayaka Credits, Karur. The Petitioner, after giving undertaking to abide by the conditions of the mortgage deed, had



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committed default. The cheque issued by the Petitioner also bounced.

Therefore, the partners of the financial establishment filed private complaint under Section 138 of Negotiable Instruments Act. Also, the Finance Company had filed suit in O.S.No.280 of 2019. The Petitioner against whom the suit had been filed is aware of the pendency of the suit and suppressed the fact and filed criminal complaint. Therefore, the enquiry was closed.

4. Considering the remarks offered by the Respondent Police that the subject matter of the complaint by the Petitioner involves civil dispute involving mortgage and repayment of the loan, this Writ Petition is not maintainable. The Petitioner is directed to approach the Civil Court for appropriate relief.

5. With the above observations, this Writ Petition is dismissed. No costs.

14.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Nsr



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SATHI KUMAR SUKUMARA KURUP, J.

Nsr

Order made in
W.P.(MD)No.4304 of 2024

Dated:
14.03.2024