



W.P.(MD) No.5555 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2024

CORAM

THE HON'BLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD) No.5555 of 2024

Gengaiiah

... Petitioner

Vs.

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

2.The Inspector of Police,
Virudhunagar District Crime Branch,
Virudhunagar.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus, directing the 2nd Respondent to conclude his enquiry, made in Na.Ka.No.179/Koo.Ka.K. [Kanini Vazhi Ku.Pi]/Virudhu/23 and to take appropriate action based on the Petitioner's complaint dated 02.10.2023 within time limit stipulated by this Court.

For Petitioner : Mr.S.Jeyakarthik

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl. Side)



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ORDER

The learned Counsel for the Petitioner would submit that the Petitioner was approached by one G.Gnanamani, residing at South Vaithiyanathapuram Street, Rajapalayam Town, Virudhunagar District, to purchase the property. Believing the words of the said G.Gnanamani, the Petitioner parted with huge amount of Rs.6,00,000/- on 17.08.2022 and Rs.4,00,000/- on 17.12.2022. Sale Agreement was executed by the said G.Gnanamani. After receiving a sum of Rs.10,00,000/-, the said G.Gnanamani did not act as per the Agreement. On verification, the Petitioner found that the said G.Gnanamani did not have land and he has falsely misrepresented him and thereby received the money from him.

2. The Petitioner lodged a compliant with the Sub-Inspector of Police, Keelarajakularaman Police Station against the said G.Gnanamani on 28.09.2023. The Police issued C.S.R.No.448/2023. However, they did not take any appropriate action regarding the cheating committed by the said G.Gnanamani. Therefore, the Petitioner seeks direction against the Respondents to register the case against the said G.Gnanmani.



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3. The learned Government Advocate (Crl. Side), on instructions of the Respondents, would submit that the said G.Gnanamani is only a broker. The Petitioner is alleged to have entered into a Sale Agreement with the said G.Gnanamani. Subsequently, a suit was filed by the said G.Gnanamani in O.S.No.146 of 2023 on the file of the District Munsif Court, Rajapalayam seeking injunction against the Petitioner. Based on the complaint, the 2nd Respondent summoned the Petitioner and the said G.Gnanamani. On enquiry, it was found that the Petitioner had received the summon in the suit in O.S.No.146 of 2023 filed by the said G.Gnanamani. Only after receipt of the said summon, he approached this Court. The 2nd Respondent had closed the enquiry as the subject matter involves a civil dispute. It is submission of the learned Government Advocate (Crl. Side) that the Petitioner, knowing fully about the institution of the suit by the said G.Gnanamani and suppressing the said fact, attempted to give a criminal colour to the civil dispute and therefore, the enquiry was closed. As per the submission of the learned Government Advocate (Crl. Side), the Petitioner had suppressed the fact regarding the civil suit in the complaint lodged by him.



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5. Accordingly, this Writ Petition is dismissed with the above direction. No cost.

08.03.2024

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order

JEN

To :

- 1.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 2.The Inspector of Police,
Virudhunagar District Crime Branch,
Virudhunagar.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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