



WP(MD) No.6140 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **19.03.2024**

CORAM:

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

W.P.(MD) No.6140 of 2024

C.Ragupathi

... Petitioner

/vs./

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

2.The Inspector of Police,
Velayuthampalayam Police Station,
Karur District.

3.Mahalakshmi

... 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 appropriate action based on the petitioner's representation dated 29.12.2023.

For Petitioner : Mr.R.Mathiyalagan
For R1 & R2 : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)



WP(MD) No.6140 of 2024

WEB COPY

ORDER

The learned Counsel for the Petitioner submits that the Petitioner's son is studying 8th std., and his daughter is studying 12th std., in TNPL Public School. He had sent the term fees. It is his submission that the children are sent to the school through the school bus. The daughter had paid the fee of Rs.41,480/- (tuition fee + bus fee) in the office of the school to one Mahalakshmi, who is the staff in charge of collecting the school fees. When the daughter of the Petitioner sought receipt, she was directed to come after class hours. When she went after class hours, she was not issued with the receipt by the said Mahalakshmi. She went home and informed the matter to her parents. The parents came to the school and registered a complaint. The school authorities claimed that they will conduct the enquiry. Instead, the school authorities had issued a letter not duly signed by any of the responsible people in the school office directing the parents of the student, the Petitioner herein to pay the very same fee once again. Therefore, the Petitioner was forced to file a complaint with the second Respondent. The Respondent Police even though received the complaint failed to act on the complaint. Therefore, the Petitioner had filed this petition seeking direction against the Respondents 1 and 2 to take action on the third Respondent.



WP(MD) No.6140 of 2024

WEB COPY

2.The learned Government Advocate (Crl.side), on instruction of the Respondents 1 and 2, submits that the Respondent Police had conducted the enquiry and directed both the parties to amicably resolve the issue. He would further submit that the Respondents 1 and 2 are ready to take action. Also, the learned Government Advocate (Crl.side) submits that the case had been registered in Crime No.137 of 2024.

3.The learned Counsel for the third Respondent had filed typed set of papers today (19.03.2024), wherein he had furnished the tuition fees paid by S.R.Thendral for 11th std., from 09.09.2022 to 20.12.2022 and also the circular of the School dated 17.04.2023 regarding the fees for the bus. Also, he had furnished the fees details paid by S.R.Adhithya Varman for the academic year 2023-24.

4.It is the submission of the learned Counsel for the third Respondent that the contents of the complaint itself cannot be accepted, since none of the students paid the full fees for the entire year. They had paid it in installments as term fees. It is his further submission that for the 12th std., the term fee will be paid after 17th



WP(MD) No.6140 of 2024

April. Therefore, there is no possibility of paying Rs.40,000/- by one of the parents alone, whereas the entire School children had paid the fees as mentioned in the typed set of papers furnished by the learned Counsel for the third Respondent for the year 2023-24. The learned Counsel for the third Respondent requested this Court that since the case had been registered, this Court may pass orders not to arrest the Petitioner, as the Petitioner was appointed on compassionate ground for the death of her husband.

5.The Hon'ble Supreme Court had laid down the guidelines not to arrest the accused in cases involving the offences attracting maximum punishment of 7 years in *Arnesh Kumar Vs. State of Bihar and another* reported in **2014 (8) SCC 273**. Therefore, the Respondents 1 and 2 are directed to act as per the said ruling by issuing summons to the accused specifying the date and time for appearance of the accused. Since the case had been registered, the Respondents 1 and 2 are directed to proceed with the same as per law.



WP(MD) No.6140 of 2024

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

19.03.2024

Index : Yes / No

Internet : Yes / No

mm

TO:

- 1.The Superintendent of Police,
Karur District,
Karur.
- 2.The Inspector of Police,
Velayuthampalayam Police Station,
Karur District.



WEB COPY



WP(MD) No.6140 of 2024

SATHI KUMAR SUKUMARA KURUP, J.

mm

Order made in
W.P.(MD)No.6140 of 2024

Dated:
19.03.2024