



WP(MD) No.6340 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **15.03.2024**

CORAM:

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

W.P.(MD) No.6340 of 2024

Murugesan

... Petitioner

/vs./

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

2.The Inspector of Police,  
SIPCOT Police Station,  
Thoothukudi District.

3.Balasubramaniyan

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second Respondent to take appropriate steps based on the Petitioner's representation dated 12.11.2021 and 06.03.2024.

For Petitioner : Mr.K.Kevin Karan

For R-1 and R-2 : Mr.B.Thanga Aravindh  
Government Advocate (Criminal Side)



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## **ORDER**

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The learned Counsel for the Petitioner submitted that the third Respondent offered to sell his bus. The bus was plying between Tiruchendur to Uvari and the same could not be operated due to financial crisis by the third Respondent. Therefore, the third Respondent intended to sell the bus and he approached the Petitioner. There was an oral agreement between the Petitioner and the third Respondent for sale consideration of Rs.70,00,000/- (Rupees Seventy Lakh only) for the said bus. Therefore, the Petitioner paid Rs.1,00,000/- (Rupees One Lakh only) as advance on May 2014. Due to some financial crisis faced by the Petitioner, he could not able to purchase the bus at a right time. In the meanwhile, the third Respondent sold the bus to some other third party. When the Petitioner questioned the same, the third Respondent promised to return the advance paid by the Petitioner. In such circumstances, the Government announced Covid-19 lock down. Therefore, there was financial crisis faced by the Petitioner as well as the third Respondent, based on which the third Respondent took time for repayment and the Petitioner also considered for the same. After lock down was lifted, when the Petitioner sought his advance money back, the third Respondent refused to pay the same. Therefore, the Petitioner approached the second Respondent and preferred a complaint. After receiving the complaint, the Respondent Police issued CSR



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receipt in CSR No.836 of 2021. Thereafter, the Respondent Police did not conduct any enquiry and they did not register the case. Therefore, the Petitioner was forced to file this petition seeking direction against the Respondents 1 and 2 to register a case and investigate the same.

2. The learned Government Advocate (Criminal Side) on instructions from the Respondents 1 and 2 would submit that the Petitioner is alleged to have agreed to purchase the bus in the year 2014 and in the same year, he is alleged to have given advance money of Rs.1,00,000/- to the third Respondent. Since the Petitioner was unable to pay full amount, the third Respondent sold the bus to the third party. Even as on 2021, when the Petitioner approached the second Respondent, he received the complaint and issued only CSR receipt, as it was money transaction. Even though the Petitioner was advised to approach the Civil Court by the Respondent Police, he had approached this Court by way of filing this petition.

3. Considering the rival submissions of the Petitioner and the learned Government Advocate (Criminal Side), this Court is of the view that the submission of the learned Government Advocate (Criminal Side) is found reasonable, since the matter involves money dispute. The amount paid by the Petitioner as advance payment for purchase of bus, was not returned by the third



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Respondent. Therefore, this Court directs the Petitioner to approach the Civil Court concerned for appropriate remedy. This Court cannot issue any direction to take action against the third Respondent for not repaying the advance amount.

4. In the light of the above, this Writ Petition stands dismissed with a direction to the Petitioner to approach the Civil Court concerned. No costs.

**15.03.2024**

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

**TO:**

- 1.The Superintendent of Police,  
Thoothukudi District,  
Thoothukudi.
- 2.The Inspector of Police,  
SIPCOT Police Station,  
Thoothukudi District.



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**SATHI KUMAR SUKUMARA KURUP, J.**

Nsr

Order made in  
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Dated:  
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