



W.P.(MD)No.14193 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 01.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.14193 of 2024

Martin @ Malikdinar

... Petitioner

versus

1. The Superintendent of Police,
Kanyakumari District,
Nagercoil.

2. The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.

3. Kumar

4. Belsitta

5. Ajithkumar

6. Alosius

7. Berlin

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,
seeking for the issuance of Writ of Mandamus, to direct the



W.P.(MD)No.14193 of 2024

respondents 1 and 2 to take appropriate action on the complaint of the petitioner dated 23.04.2024.

For Petitioner : Mr.C.T.Perumal

For R1 and R2 : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

ORDER

The petitioner has filed this writ petition for a Mandamus, directing the respondents 1 and 2 to take appropriate action on his complaint dated 23.04.2024.

2. The learned counsel appearing for the petitioner submits that the petitioner is the brother of one Sesaiah, who died on 01.06.2021. According to him, the said Sesaiah died in a suspicious manner. The private respondents, namely, respondents 3 to 7 have borrowed a sum of Rs.30 lakhs from the deceased, but, they failed to repay the said amount and therefore, they would have committed murder. In this regard, he has lodged a complaint before the respondent Police on 23.04.2024. Since the respondent Police has not acted upon the said



W.P.(MD)No.14193 of 2024

complaint, the petitioner has approached this Court.

WEB COPY

3. The learned Additional Public Prosecutor submits that the deceased has executed a Will in favour of the 5th respondent, who is the son of the 4th respondent. The 4th respondent is none other than the sister-in-law of the deceased. The deceased was suffering from cancer. The petitioner, who is in Hyderabad, has not taken care of the deceased. Therefore, the respondents 4 and 5 had taken care of the deceased and he died in the year 2021, i.e. at the age of 70 years. He further submits that the petitioner has not lodged any complaint immediately after the death of the deceased. However, he preferred a complaint in the year 2022 through on-line and thereafter, he has not prosecuted the said complaint. Thereafter, he again lodged another complaint in the year 2024 through registered post. He further submits that the respondent Police has also issued a summon to the petitioner for enquiry, but, the petitioner has not appeared for enquiry and not co-operating for enquiry.



W.P.(MD)No.14193 of 2024

WEB COPY

4. This Court considered the rival submissions made.

5. The petitioner's brother, who was suffering from cancer, died on 01.06.2021. The petitioner has not preferred any complaint immediately after the death of his brother. However, he now claims that his brother died in a suspicious manner and suspects that the private respondents are having motive against the deceased and therefore, they would have committed murder. In this regard, he lodged a complaint only in the month of September 2022, i.e. after one year and three months from the date of death of his brother through on-line and thereafter, he did not prosecute the same. Again, he lodged the present complaint by way of a registered post in the month of April 2024. The respondent Police has issued summons to the petitioner for his appearance for enquiry. But, the petitioner, without even appearing before the respondent Police, has filed this writ petition for a Mandamus to the respondent Police to take appropriate action on his



W.P.(MD)No.14193 of 2024

complaint dated 23.04.2024. Considering the conduct of the petitioner,
this Court is not inclined to the entertain this writ petition.

6. Since this writ petition is filed with an intention to make mockery of law, this writ petition is dismissed with cost of Rs.5,000/- (Rupees five thousand) which has to be paid by the petitioner to the Kalaigiar Centenary Library, Madurai.

01.07.2024

ogy
NCC : Yes / No.
Index : Yes / No.
Internet : Yes / No.

To

1. The Superintendent of Police,
Kanyakumari District,
Nagercoil.
2. The Inspector of Police,
Thuckalay Police Station,
Kanyakumari District.



WEB COPY



W.P.(MD)No.14193 of 2024

B.PUGALENDHI, J.

ogy

W.P.(MD)No.14193 of 2024

01.07.2024