



W.P(MD)No.15799 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.15799 of 2024

Sujin

... Petitioner

Vs

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

2. The Inspector of Police,
Cyber Crime Branch,
Nagercoil,
Kanyakumari District.

3. Arun Prasanth
4. Jeyashree

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 herein to take appropriate action against the respondents 3 and 4 based on the complaint dated on 12.07.2023 within the time stipulation as prescribed by this Court.



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For Petitioner : Mr.B.Micheal Sebastin,

For R1 and R2 : Mr.M.Sakthi Kumar
Government Advocate (Crl.Side)

ORDER

This Writ Petition has been filed seeking a direction to the respondents 1 and 2 to take appropriate action against the respondents 3 and 4, based on the complaint dated on 12.07.2023.

2.The learned Counsel appearing for the petitioner submits that the private respondents have booked tickets through the petitioner's travel agency but failed to make payment. Therefore, the petitioner has lodged a complaint before the respondent police, for which, CSR No.1087 of 2023 was assigned on 09.12.2023. Thereafter, the respondent police has not acted upon it.

3.The learned Government Advocate (Crl.Side) appearing for the respondent police submits that the matter is under investigation.



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4.The respondent police is not expected to conduct a petition enquiry for months together. An enquiry or investigation would arise only after the registration of the case. However, in offences regarding money dispute, matrimonial dispute and civil dispute, the Hon'ble Supreme Court has permitted the investigation agency to conduct a preliminary enquiry before registering a case and has given a specific time limit of two weeks to conclude the preliminary enquiry. The Directorate General of Police, Tamil Nadu, has also issued directions to the Police officials to conclude a petition enquiry within a period of four weeks. However, in the civil disputes, the police officials are conducting Kangaroo Court for months together. This practice has to be deprecated by the higher officials. In the event if the case is not made out, the respondent police has to close the complaint. If the case is made out, they are expected to register a case.

5.In the event if the respondent police is not acting upon the complaints, the petitioner is having a remedy under Sections 154(3) and 156(3) Cr.P.C. Therefore, this Court is not inclined to entertain this petition, when an alternative efficacious remedy is available.



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6. Accordingly, this Writ Petition is closed. No costs.

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16.07.2024

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

LR

To

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

2. The Inspector of Police,
Cyber Crime Branch,
Nagercoil,
Kanyakumari District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI, J.

LR

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