



W.P.(MD)No.18054 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2024

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.18054 of 2022

Nesakumar

... Petitioner

Vs.

- 1.The Home Secretary,
Office of the Home Secretary,
St.George Fort, Secretariat, Chennai-9.
- 2.The Director General of Police,
Office of the Director General of Police,
Dr.Rathakrishnan Road,
Mylapore, Chennai-600 004.
- 3.The Commissioner of Police,
Thiruchirappalli District,
Thiruchirappalli.
- 4.The Inspector of Police,
Fort Police Station,
Fort, Thiruchirappalli District.
- 5.The Inspector of Police,
CBCID Office, Trichy.
- 6.Sivakumar
- 7.Shehana Begum
- 8.The Church of South India Trust,
by its Thanjavur Diocese,
CSI Diocesan Office,
Puthur, Trichirappalli-17.



W.P.(MD)No.18054 of 2022

9.B.G.Naidu,
by its Managing Director,
64/3, SGS, Complex1,
Tollgate, East Coast Road,
Trichirappalli District.

10.Sasitharan

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the third respondent to hand over the investigation from the fourth respondent to the fifth respondent or some other Investigating Agency regarding the case registered in Crime No.923 of 2021 which is pending on the file of the fourth respondent based on the petitioner's representation dated 11.07.2022.

For Petitioner : Mr.M.Rajaguru

For R1 to R5 : Mr.B.Nambiselvan
Additional Public Prosecutor

ORDER

This Writ Petition has been filed to direct the third respondent to hand over the investigation from the fourth respondent to the fifth respondent or some other Investigating Agency regarding the case registered in Crime No.923 of 2021 which is pending on the file of the fourth respondent based on the petitioner's representation dated 11.07.2022.

2. The case of the petitioner is that the petitioner and the 10th respondent running a hotel in the name of 'R.T.C.Hotel' at Trichy District. The ninth



W.P.(MD)No.18054 of 2022

respondent is the original owner of the above said hotel. In the year 2019, he handed over the possession to the petitioner. One Velayutham was appointed to maintain the hotel at the time of covid-19 period. But, he has not maintained the hotel. Hence, the hotel was locked. There was money dispute between the said Velayutham and the sixth respondent. Thereby, the sixth respondent trespassed into hotel and stolen the documents. Thereafter, he prepared forged documents by using the stolen documents. Thereby, the defacto complainant made a complaint through online on 29.03.2021. The fourth respondent has registered the complaint in C.S.R.No.190 of 2021 on 30.03.2021. Subsequently, the petitioner filed a petition in CrIOP.No.5878 of 2021 before this Court seeking police protection and this Court issued a direction to the fourth respondent to conduct enquiry in C.S.R.No.190 of 2021 and take necessary action. But, the fourth respondent has not complied with the same. Hence, the petitioner filed a private complaint under Section 156(3) of Cr.P.C., before the learned Magistrate Court No.I, Trichy in Cr.M.P.No.4187 of 2021. The trial Court directed the fourth respondent to register FIR and file final report within the stipulated time. Hence, the fourth respondent registered a case in Crime No. 923 of 2021 for the offences under Sections 468, 420, 448, 380 of IPC on 29.08.2021. But, he he has not filed any final report. Thereby, the petitioner made a complaint before the third respondent on 11.07.2022. But, till date, there



W.P.(MD)No.18054 of 2022

was no action. Hence, the petitioner filed this present petition with the above said prayer. However, the learned counsel for the petitioner made a request before this Court that this Court may issue a direction to the fourth respondent to conduct investigation on the complaint given by the petitioner within a time frame fixed by this Court.

3.The learned Government Advocate (Crl.Side) appearing for the respondents 1 to 5 has no serious objection to the submission made by the learned counsel for the petitioner.

4. Considering the limited prayer sought for by the petitioner, the fourth respondent is directed to conduct investigation on the complaint given by the petitioner and file final report within a period of 12 weeks from the date of receipt of a copy of this order.

5.With the above direction, this Writ Petition is disposed of. No costs.

08.02.2024

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



W.P.(MD)No.18054 of 2022

WEB COPY

To

- 1.The Home Secretary,
Office of the Home Secretary,
St.George Fort,
Secretariat, Chennai-9.
- 2.The Director General of Police,
Office of the Director General of Police,
Dr.Rathakrishnan Road,
Mylapore, Chennai-600 004.
- 3.The Commissioner of Police,
Thiruchirappalli District,
Thiruchirappalli.
- 4.The Inspector of Police,
Fort Police Station,
Fort, Thiruchirappalli District.
- 5.The Inspector of Police,
CBCID Office, Trichy.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



W.P.(MD)No.18054 of 2022

M.DHANDAPANI, J.

dss

W.P.(MD)No.18054 of 2022

08.02.2024