



W.P.(MD)No.19977 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.19977 of 2024

V.Sethumathavan

...Petitioner

Vs.

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Assistant Commissioner of Police,
Central Crime Branch,
Madurai City.

3.The Sub Inspector of Police Unit-I,
Central Crime Branch,
Madurai City.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the first respondent to consider the petitioner's representation dated 08.08.2024 and appoint an upright officer to conduct proper enquiry in the complaint given by the petitioner dated 05.06.2024 with a direction to complete the enquiry within the period that may be stipulated by this Court.



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For Petitioner : Mr.R.Gandhi, Senior Counsel
for M/s.Gandhi Associates

For Respondents : Mr.E.Antony Sahaya Prabahar
Additional Public Prosecutor

ORDER

The Writ Petition has been filed, invoking Article 226 of the Constitution of India, seeking orders to direct the first respondent to consider the writ petitioner's representation dated 08.08.2024 and appoint an upright officer to conduct proper enquiry in the complaint given by the petitioner dated 05.06.2024 with a direction to complete the enquiry within the period that may be stipulated by this Court.

2. Mr.E.Antony Sahaya Prabahar, learned Additional Public Prosecutor takes notice for the respondents. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3. The learned Senior Counsel appearing for the writ petitioner would submit that the writ petitioner and one Deivendran were partners in the firm, namely, Sri Sarojini Enterprises, that the said Deivendran had



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withdrawn Rs.3 crores without knowledge of the other partner and without any basis and hence, the writ petitioner has lodged a complaint on 05.06.2024 before the first respondent in person and the same was forwarded to the third respondent, that on 07.08.2024, the writ petitioner received a communication from the third respondent alleging that the enquiry is closed and that thereafter the writ petitioner has sent a representation dated 08.08.2024 to the first respondent requesting him to appoint an upright officer to conduct a proper enquiry in his complaint but no action has been taken so far.

4. At this juncture, the learned Additional Public Prosecutor appearing for the respondents would submit that the writ petitioner's complaint was ordered to be closed by directing the writ petitioner and the said Deivendran to approach the appropriate forum to resolve their dispute as there existed dispute between the two partners and they have maintained their accounts through the auditor appointed by them.

5. Recording the submission made by the learned Additional Public Prosecutor, the Writ Petition stands disposed of. The writ



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petitioner is at liberty to approach the jurisdictional Magistrate, if so
advised. No costs.

23.08.2024

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

To

- 1.The Commissioner of Police,
Madurai City,
Madurai.
- 2.The Assistant Commissioner of Police,
Central Crime Branch,
Madurai City.
- 3.The Sub Inspector of Police Unit-I,
Central Crime Branch,
Madurai City.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J

csm

**Order made in
W.P.(MD)No.19977 of 2024**

Dated : 23.08.2024