



W.P(MD)No.19042 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2024

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P(MD)No.19042 of 2023

and

W.M.P(MD)No.19427 of 2023

Rathi

... Petitioner

Vs

**1. The Superintendent of Police,
Office of the Superintendent of Police,
Nagercoil,
Kanyakumari District.**

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st and 2nd respondents herein to take necessary action on the basis of the petitioner representation dated 28.06.2023 within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.Rajesh .K,

**For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)**



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ORDER

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This petition has been filed for the issue of writ of Mandamus, directing the first and second respondents to take necessary action based on the complaint/representation made by the petitioner on 28.06.2023.

2.The case of the petitioner is that the accused persons on the promise of securing job have cheated nearly seven persons and they have also fabricated fake appointment orders and received nearly a sum of Rs. 36.5 Lakhs. The petitioner gave a complaint in this regard and it was taken on file and some enquiry was conducted. However, no action was taken and therefore, the present writ petition was filed before this Court.

3.When the matter came up for hearing on 11.11.2024, this Court passed the following order:

"Learned Government Advocate seeks for sometime to take instructions as to whether any FIR was registered before the District Crime Branch, Thoothukudi. If ultimately an FIR has already been registered for receiving amount in the name of getting job and the petitioner is also one of the persons who was cheated, the statement of the petitioner can be recorded under Section 161 of Cr.P.C. in the course of



investigation and the grievance of the petitioner can also form part of the investigation.

2.Post this case on 13.11.2024."

4.When the matter was taken up for hearing today, the learned Government Advocate (Crl.Side) on instructions submitted that the petitioner gave a letter to the Sub Inspector of District Crime Branch, Nagercoil to the effect that she will workout her remedy by giving a complaint before the District Crime Branch, Thoothukudi. In view of the same, no further enquiry was conducted.

5.The learned Counsel appearing for the petitioner submitted that the entire incident had taken place within the jurisdiction of the District Crime Branch Nagercoil and in fact, the earlier enquiry was conducted by the Sub Inspector of Police, DCB, Nagercoil.

6.Taking into consideration the facts and circumstances of the case and the materials that have been placed before this Court, it is seen that the accused persons have in fact created fake and fabricated appointment orders and have cheated nearly 7 persons to the tune of Rs.36.5 lakhs.



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On the face of it, a cognizable offence is made out. Therefore an FIR has to be registered in this case and the second respondent has to proceed further with the investigation.

7.In the light of the above discussion there shall be a direction to the second respondent to register an FIR based on the complaint given by the petitioner on 27.03.2023 and proceed further with the investigation. The second respondent shall also find out the details of the other victims, who were also cheated in this case. The accused persons shall be identified and they shall be proceeded with in accordance with law. The investigation shall be completed as expeditiously as possible.

8.With the above direction, this writ petition is disposed of. No costs. Consequently the connected miscellaneous petition is closed.

13.11.2024

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

LR



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To

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

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

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



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N.ANAND VENKATESH, J.

LR

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