



W.P(MD)No.20402 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.20402 of 2024

Samsudeen

... Petitioner

Vs.

1.The Regional Passport Officer,
Office of the Regional Passport Officer,
Rayala Towers, Anna Salai, Triplicane,
Chennai.

2.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City, Madurai.

3.The Inspector of Police,
Thallakulam Police Station,
Thallakulam, Madurai District.

4.Chandramohan

... 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 to 3 to issue a look out circular against the 4th respondent by considering the representation submitted by the petitioner on 13.08.2024 in accordance with law within the time stipulated by this Court.



W.P(MD)No.20402 of 2024

For Petitioner : Mr.S.Abdul Rahuman
For R1 : Mr.G.Rajaraman,
Central Government Standing Counsel
For R2 & R3 : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2.Mr.G.Rajaraman, learned Central Government Standing Counsel takes notice for the 1st respondent and Mr.M.Vaikkam Karunanithi, learned Government Advocate (Crl.Side) takes notice for the respondents 2 and 3. Considering the nature of order proposed to be passed in this Writ Petition, notice to the 4th respondent is dispensed with.

3.It is the case of the petitioner that one Samsudeen approached the petitioner for transfer of working place and for getting Government job at Arulmigu Dhandayuthapani Swami Temple, Palani. Therefore, he arranged a meeting with the 4th respondent, where the 4th respondent fixed a sum of Rs.50 lakhs for the said jobs and got Rs.10 lakhs as advance. Thereafter, the 4th



W.P(MD)No.20402 of 2024

respondent did not take any action and has committed cheating. Therefore, the petitioner made a complaint to the Chief Minister of Tamil Nadu (Special Cell), the Director General of Police, Tamil Nadu and the 2nd respondent on 01.04.2024, narrating the said facts. The Assistant Commissioner of Police, Madurai North forwarded the said complaint to the 3rd respondent and advised to take appropriate action. Pursuant to which, the 3rd respondent, on 07.07.2024, registered the case in Crime No.748 of 2024 for the offences punishable under Sections 406 and 420 IPC. However, the the 3rd respondent has not arrested the 4th respondent and has not issued any summon for enquiry, though he has not obtained any anticipatory bail. When the matter stood thus, the petitioner came to know that the 4th respondent is taking steps to go abroad. Therefore, he has made a representation on 13.08.2024 to the respondents 1 to 3. Since the same has not been considered so far, the petitioner has filed this Writ Petition.

4.At the outset, this Court is of the view that this Writ Petition is misconceived and cannot be entertained for the simple reason that the arrest is the discretion of the Investigating Agency. One cannot seek a direction to arrest the person. Even the Court does not state that the arrest is always mandatory in all cases. In such view of the matter, it is for the Investigating



W.P(MD)No.20402 of 2024

Agency to take a decision as to whether issuance of lookout notice is necessary or not.

WEB COPY

5.With the above observation, this Writ Petition is dismissed. No costs.

28.08.2024

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

Yuva

To

- 1.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City, Madurai.
- 2.The Inspector of Police,
Thallakulam Police Station,
Thallakulam, Madurai District.



WEB COPY



W.P(MD)No.20402 of 2024

N.SATHISH KUMAR, J

Yuva

W.P(MD)No.20402 of 2024

28.08.2024