



W.P.(MD)No.22803 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.02.2024

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.22803 of 2022

R.Uthra

... Petitioner

Vs.

1.The Superintendent of Police,
Madurai, Madurai District.

2.The Inspector of Police,
Koodal Pudur Police Station,
Madurai District.

3.Vasu

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the second respondent to take appropriate action on the petitioner's complaint dated 28.05.2022 within a stipulated period as prescribed by this Court.

For Petitioner : Mr.P.Senguttuarasan

For R1 & R2 : Mr.B.Nambiselvan
The Additional Public Prosecutor

For R3 : Mr.T.Balarathina Kumar



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ORDER

This Writ Petition has been filed to direct the second respondent to take appropriate action on the petitioner's complaint dated 28.05.2022 within a stipulated period as prescribed by this Court.

2.The case of the prosecution is that, the third respondent and his brother-in-law namely, Balamurugan are running a jewelry shop in the name and style of 'Balaji Jewellers'. The petitioner and her husband went to the said shop for purchasing 25 sovereigns of gold jewels. The petitioner has not satisfied with the designs available in the shop. At that item, the third respondent directed the petitioner to pay a sum of Rs.10 lakhs to his brother-in-law Balamurugan for making newly designed jewels. The said Balamurugan and the third respondent received the amount of Rs.10 lakhs from the petitioner. However, they have not handed over the jewels as promised by them. Thereby, the petitioner sent a representation to the second respondent on 28.05.2022 and the same was not considered. Hence, the petitioner filed this petition with the above said prayer.

3.The learned counsel appearing for the petitioner would submit that this Court may issue a direction to the second respondent to consider the petitioner's



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representation dated 28.05.2022 and pass appropriate orders in terms of Section 153 of Cr.P.C.,

4. The learned counsel for the third respondent would submit that the said Balamurugan borrowed a sum of Rs.7 lakhs from the petitioner's mother. For which, he executed a promissory note. The third respondent not received any amount either from the petitioner or her mother.

5. The learned Additional Public Prosecutor appearing for the State would submit that the third respondent and Balamurugan appeared before the Law Enforcing Agency and made a statement that they received Rs.7 lakhs from the petitioner's mother and executed the promissory note and the same was recorded.

6. Considering the facts and circumstances of the case, the petitioner's claim is that he paid Rs.10 lakhs to the third respondent, who is the jewelry shop owner for making the jewels. However, the third respondent's claim is that the third respondent's brother-in-law, who is the partner of the jewelry shop borrowed a sum of Rs.7 lakhs from the petitioner's mother.



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7. In view of the above, the said dispute has to be enquired only by the Law Enforcing Agency. Hence, this Court issued a direction to the second respondent to register a case and enquire the matter and conclude the investigation in the manner known to law within a period of 12 weeks from the date of receipt of a copy of this order.

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

13.02.2024

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

To

1. The Superintendent of Police,
Madurai, Madurai District.
2. The Inspector of Police,
Koodal Pudur Police Station,
Madurai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madras.



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M.DHANDAPANI, J.

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