



W.P.(MD)No.26409 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.11.2024

CORAM:

THE HONOURABLE **MR.JUSTICE M.NIRMAL KUMAR**

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Kotak Mahindra Bank
Rep. by its Authorized Officer
R. Muthukumar
S/o.A.Rajendran
1st Floor, OAA Complex
Scott Road
Madurai- 625 001

.. Petitioner

Vs

1. The Superintendent of Police
Tenkasi- Madurai Road
Elathur, Thenkasi- 627 803

2. The Inspector of Police
Old Courtallam Police Station
Tenkasi District

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to take action on the petitioner's compliant dated 03.10. 2023 under the criminal law in the light of the dictum laid down by the Honble Supreme Court of India in



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the case of ***Lalitha Kumari Vs Government of Uttarpradesh and others***
reported in ***(2014) 2 SCC.***

For Petitioner : Mr.R. Baskar
For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

This Writ Petition has been filed to direct the respondents to take action on the petitioner's compliant dated 03.10. 2023 under the criminal law in the light of the dictum laid down by the Honble Supreme Court of India in the case of ***Lalitha Kumari Vs Government of Uttarpradesh and others*** reported in ***(2014) 2 SCC.***

2. The contention of the petitioner is that on 05.10.2023 he had sent a compliant through post but no action has been taken. Hence filed this petition to direct the respondents to register the case.

3. The learned Additional Public Prosecutor would submit that the respondent police has received the petitioner's complaint through higher authorities through office proper channel. Thereafter had caused an



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enquiry had summoned M/s.GSM sand and Blue Metal proprietor Mr.Gandhi Selwyn. The petitioner had not responded to the summons and not participated in the enquiry. On 14.12.2023 enquiry was conducted and counter complainant had submitted document and given his explanation. Since the petitioner had not appeared verification of the document could not be done. On explanation and the documents submitted finding that it is only business transaction had closed the complaint. He further submitted that as per Section 173 (3) of B.N.S.S. for commercial transaction notice can be issued and enquiry can be caused. Based on which enquiry has been conducted and for the non participation of the petitioner the complaint has been closed.

4. The learned counsel appearing for the petitioner would submit that the petitioner shall appear before the respondent along with copy of the compliant with necessary documents to prove the fact that M/s.GSM sand and Blue Metal had committed cheating and also projecting a false case unilaterally misusing the loan amount without proper approval from the complainant.



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5. In view of the same, the petitioner is directed to appear before the second respondent with a copy of the complaint with supporting materials within a period of two weeks from the date of receipt of a copy of this order. Thereafter based on the materials produced the second respondent is directed to conduct enquiry and dispose the same on its own merits and in accordance with law as expeditiously as possible.

6. With the above direction, the Writ Petition stands closed. No costs.

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Index: Yes/No

Internet : Yes/No

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To

1. The Superintendent of Police
Tenkasi- Madurai Road
Elathur, Thenkasi- 627 803
2. The Inspector of Police
Old Courtallam Police Station
Tenkasi District
3. The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.



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M.NIRMAL KUMAR, J.

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