



W.P.(MD)No.28212 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.28212 of 2023

Pala. Raman

... Petitioner

versus

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

2. The Deputy Superintendent of Police,
District Crime Branch office,
Pudukkottai.

3. The Inspector of Police,
District Crime Branch,
Pudukkottai District.

4. M.Baskaran

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents 1 to 3 to consider the petitioner's representation dated 06.11.2023 for conducting fair investigation with respect to cheating of



W.P.(MD)No.28212 of 2023

the petitioner to a sum of Rs.1,35,53,000/- (Rupees one crore thirty five lakhs and fifty three thousand only) by the 4th respondent.

For Petitioner : Mr.A.N.Ramanathan

For R1 to R3 : Mr.E.Antony Sahaya Prabahar,
Additional Public Prosecutor

For R4 : Mr.S.Prabhu

ORDER

The petitioner has lodged a complaint before the respondent Police that the 4th respondent has cheated him to the tune of Rs.1,35,53,000/-. Since the respondent Police has not taken any action, he has submitted a representation dated 06.11.2023 to take action on his complaint. Even thereafter, there was no response. Therefore, the petitioner has filed this writ petition.

2. The learned Additional Public Prosecutor submits that the petitioner's complaint was treated as current paper enquiry in C.No. 2012/SP/GDP/PDK 2023 dated 20.06.2023 and the same was closed on 30.09.2023.



W.P.(MD)No.28212 of 2023

WEB COPY

3. The learned counsel for the petitioner submits that during the enquiry, the 4th respondent has given an assurance to pay a sum of Rs.50,00,000/-, however, he failed to pay the said amount.

4. Per contra, the 4th respondent claims that he has filed a complaint against the petitioner for the offence under Section 138 of the Negotiable Instruments Act and as a counter blast, this complaint has been lodged by the petitioner.

5. The petitioner has filed this writ petition under Article 226 of the Constitution of India as if he is not having efficacious and alternative remedy. The petitioner is having efficacious and alternative remedy before the concerned Superintendent of Police under Section 154(3) Cr.P.C. and before the concerned Judicial Magistrate under Section 156(3) Cr.P.C. Instead of invoking the available alternative remedy, the petitioner has filed this writ petition.



W.P.(MD)No.28212 of 2023

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10.07.2024

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

1. The Superintendent of Police,
Pudukkottai District,
Pudukkottai.
2. The Deputy Superintendent of Police,
District Crime Branch office,
Pudukkottai.
3. The Inspector of Police,
District Crime Branch,
Pudukkottai District.



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W.P.(MD)No.28212 of 2023

B.PUGALENDHI, J.

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W.P.(MD)No.28212 of 2023

10.07.2024