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W.P.Crl.No.378 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.07.2025

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.Crl.No.378 of 2025

L.Vinod Kumar Sharma

... Petitioner

Vs.

1. Assistant Commissioner of Police,
Thiruvotriyur Zone,
Chennai – 600 019.

2. Inspector of Police (Crime),
H8, Thiruvotriyur Police Station,
Thiruvotriyur,
Chennai – 600 019.

3. Padmanabhan

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying to issuance of Writ of Mandamus, directing the 1st and 2nd respondents to consider the representations dated 02.11.2024 and 04.11.2024 by the petitioner and to take criminal action against the 3rd respondent regarding the same within the stipulated time as fixed by this Court.

For Petitioner : Mr.S.Haja Mohideen Gisthi

For Respondents : Dr.C.E.Pratap
Government Advocate (Crl.Side)
for R1 and R2



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ORDER

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2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for respondents 1 and 2 and perused the materials available on record.

3. Since no adverse order is being passed as against the third respondent, notice to the third respondent is hereby dispensed with.

4. According to the petitioner, he filed complaints dated 02.11.2024 and 04.11.2024 before the second respondent-Police alleging that third respondent herein, who is the proprietor of Sree Vari Enterprises and Plot Promoters, has committed criminal intimidation, breach of trust, cheating and fraud against the petitioner. However, the second respondent-Police has failed to register the case against the third respondent for reasons best known to them. Hence, the present petition.



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5. Learned counsel appearing for the petitioner submitted that after coming to know about the filing of the complaints, the third respondent approached the petitioner and tried to settle the matter and now the settlement talks are going on.

6. Per contra, learned Government Advocate (Crl.Side) appearing for the respondents 1 and 2, on instructions, submitted that as it is informed that settlement talks are going on to settle the disputes amicably between the parties, the complaints given by the petitioner are kept pending. However, so far they have not settled the matter.

7. When a complaint is lodged, it is the duty of the Police authority to conduct enquiry, after enquiry, if they *prima facie* found cognizable offence, they have to register the complaint and proceed with the complaint in accordance with law. However, keeping the complaint pending under the guise of settlement is unwarranted. Therefore, the second respondent-Police is directed expedite the enquiry and file a report before the jurisdictional Court. In case *prima facie* allegations are



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made out against the third respondent, register a case and proceed with the case further in accordance with law.

8. With the above directions, this Writ Petition is disposed of.

There shall be no order as to costs.

25.07.2025

Index: Yes/No

Speaking Order : Yes/No

Neutral Citation Case : Yes/No

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To

1. The Assistant Commissioner of Police,
Thiruvotriyur Zone,
Chennai – 600 019.
2. The Inspector of Police (Crime),
H8, Thiruvotriyur Police Station,
Thiruvotriyur,
Chennai – 600 019.
3. The Public Prosecutor,
High Court, Madras.



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P.VELMURUGAN, J

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