



W.P.(MD)No.4336 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2025

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THE HON'BLE MR.JUSTICE P.DHANABAL

W.P.(MD)No.4336 of 2025

and

W.M.P(MD) No.3111 of 2025

J.Jasmine

... Petitioner

Vs.

1. The Commissioner of Police
Madurai City

2. The Sub Inspector of Police
Central Crime Branch
Madurai City

3.G.Maria Selvam

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, seeking a Writ of Certiorarified Mandamus by calling for the entire records pertaining to the report submitted by the second respondent signed by him on 30.01.2025 and quash the same and consequently direct the 1st respondent to appoint honest officer to conduct an investigation on the petitioners compliant dated 21.08.2024

For Petitioner : Mr.R.Anand



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For Respondents : Mr. R.M.Anbunithi
Additional Public Prosecutor

ORDER

The prayer sought for in the present writ petition is to call for the records pertaining to the report submitted by the second respondent signed on 30.01.2025 and quash the same and consequently direct the first respondent to appoint a honest officer to conduct investigation on the complaint of the petitioner dated 21.08.2024.

2. The learned counsel appearing for the petitioner would submit that the third respondent is the owner of the house property bearing Door No.20A/66, Plot No.4, T.S.No.1340 Meiyappan 3rd Street, Gnanaolipuram, Maduari. The petitioner want to purchase a property and thereby the third respondent approached the petitioner and he informed that he is willing to sell the property for Rs.80 lakhs. The said house property was already mortgaged with Axis Bank for a sum of Rs.21 lakhs. Therefore the petitioner accepting the above said sale price entered into agreement on 10.05.2024 and paid a sum of Rs. 10,50,000/- on 18.05.2024, Rs.6,00,000/- on 28.05.2024 and Rs.7,00,000/- on 02.06.2024. Thereafter when the petitioner checked as to whether the



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third respondent had actually cleared the loan or not he came to know that the third respondent had not paid the amount and cleared the dues and the amount was cheated by the third respondent. The third respondent had cheated the petitioner to a tune of Rs.51 lakhs , therefore the petitioner had lodged a complaint for which a case has been registered for the offence under Section 420 of IPC. The second respondent also enquired the mater and the third respondent also appeared on summons and thereafter the complaint was closed, therefore the closure report dated 31.01.202 has to be interfered by this Court, hence he has filed the present petition.

3. The learned Additional Public Prosecutor appearing for the respondents 1 and 2 would submit that they received the complaint from the petitioner and the same was enquired and on enquiry it revealed that there is a money dispute pending between the parties based on the agreement and thereby they closed the complaint. Since the dispute is regarding payment of money through agreement they closed the complaint by advising the parties to approach the appropriate Court, thereby nothing survives for further adjudication in this petition.



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4. Heard both sides and perused the materials available on record.

5. This Court considering the prayer of the petitioner even without issuing notice to the third respondent inclined to pass order in this petition. According to the petitioner he lodged complaint as against the third respondent before the second respondent stating that he entered into agreement with the third respondent and agreed to purchase the property worth about Rs.80 lakhs and paid a sum of Rs.51 lakhs. The third respondent has not utilized the money for clearing the loan. The property was mortgaged with the Axis Bank, thereby cheated the petitioner to the tune of Rs.51 lakhs.

6. This Court also perused the materials and it is seen that the petitioner and the third respondent entered into agreement in respect of sale of property and sale price was fixed at Rs.80 lakhs and on various dates the petitioner has paid a sum of Rs. 51 lakhs . According to the petitioner the property was mortgaged with the Axis Bank and there is a due of Rs.21 lakhs and in order to pay the said amount initially he has



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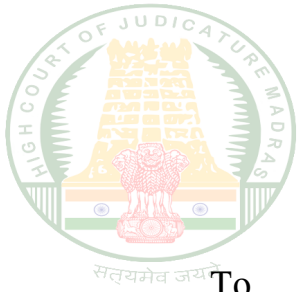
paid a sum of Rs.25 lakhs to the third respondent but he without redeeming the mortgage the third respondent cheated the petitioner. The second respondent after conducting enquiry closed the complaint as civil dispute and they can approach the appropriate Court for seeking remedy.

7. Now the petitioner filed this petition to set aside the closure report. Once the complaint was enquired and closed, it is for the petitioner to challenge the same in the manner known to law by approaching the learned Magistrate by filing appropriate petition if he is aggrieved by the closure report. Therefore this Court need not set aside the closure report of the second respondent dated 31.01.2025.

8. With the above observation, the Writ Petition stands disposed of. No costs. Consequently connected miscellaneous petition stands closed.

04.03.2025

NCC : Yes / No
Index : Yes / No
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1. The Commissioner of Police
Madurai City
2. The Sub Inspector of Police
Central Crime Branch
Madurai City
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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P.DHANABAL, J.

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