



W.P(MD)No.8227 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.04.2025

CORAM :

THE HON'BLE MR.JUSTICE P.DHANABAL

W.P(MD)No.8227 of 2025

and

W.M.P(MD)Nos.6177 & 6181 of 2025

Cr. Gopu

... Petitioner

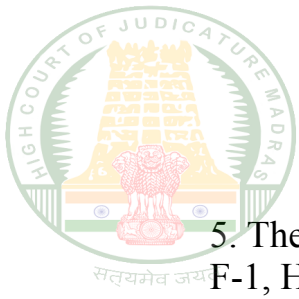
Vs

1. The Director General of Police,
Office of the Director General of Police,
Chennai.

2. The Inspector General of Pol,
Ice, South Zone,
Office of the Inspector General of Police,
Race Course Colony,
Madurai District.

3. The Commissioner of Police,
Office of the Commissioner of Police,
Madurai District.

4. The Inspector of Police,
F-1, High Court Branch Police Station,
Madurai District.



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5. The Sub Inspector of Police,
F-1, High Court Branch Police Station
Madurai District.

6. The Central Bureau of Investigation,
Represented by its Joint Director ,
A Wing III Floor, Rajaji
Bhavan,
Besant Nagar, Chennai - 600090.

7. B.L.Senthilkumar,
Director,
H.H.Ventures Private Ltd,
No.284, Ramabiran Colony,
Dharapuram Road,
Tiruppur - 641608.

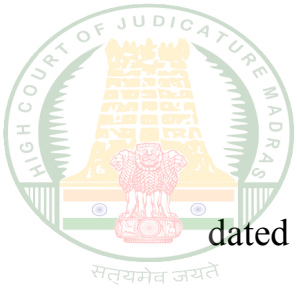
8. Divya Senthilkumar,
Director,
H.H.Ventures Private Ltd,
No.284, Ramabiran Colony,
Dharapuram Road,
Tiruppur - 641608.

9. S.Shanmuganathan

10. Ayyasamy

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus calling for the records pertaining to the impugned proceedings No.nil dated 17.02.2025 passed by the fourth respondent and quash the same as illegal and arbitrary and consequentially transfer the investigation of the complaint



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dated 17.12.2024 from the 4th respondent to the 6th respondent or any other independent investigating agency forthwith and to complete the investigation within the time as fixed by this Court.

For Petitioner : Mrs.Modharshini S,

For Respondent : Mr.R.M.Anbunithi
No.1 to 6 Additional Public Prosecutor

ORDER

This Writ Petition has been filed seeking to quash the impugned proceedings No.nil dated 17.02.2025 passed by the fourth respondent and consequently transfer the investigation of the complaint dated 17.12.2024 from the fourth respondent to the sixth respondent or any other independent investigating agency forthwith and to complete the investigation.

2.According to the petitioner, he is the complainant in this case. In fact, the petitioner was engaged in a marketing business with various companies and the petitioner was introduced to the seventh respondent



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and on request of the seventh respondent, the petitioner to help them with their coal business, the petitioner facilitated introductions between the seventh respondent and certain brick kiln owners in Madurai, who required coal for their business operations. Thereafter, due to dispute arose between the seventh respondent and the brick kiln owners, the respondents 7 to 9 initiated a series of of fraudulent acts, including fabricating documents. On 27.11.2023., the respondents 7 and 8 forcibly obtained seven cheques from the petitioner and his wife by means of threat and also forced to pay a sum of Rs.15 Lakhs and thereafter, the respondents 7 and 8 promised to return the above cheques. Thereafter, the petitioner also sent a legal notice, dated 26.12.2023 and the respondents 7 and 8 also sent a reply on 09.01.2024. Thereafter, the petitioner filed a petition under Section 173(3) of BNSS before the learned Judicial Magistrate No.V, Madurai in the year 2024. On 08.02.2024 the petitioner filed a suit before the Principal District Munsif Madurai in O.S.No.44 of 2024 by seeking declaration of the said deed as null and void. While so, the petitioner received the summons dated 09.04.2024, issued by Nallur Police Station based on the complaint lodged by the seventh respondent. At the time of enquiry, he came to know that a case in S.T.C.No.1420 of 2024 was filed by the ninth



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respondent in the capacity of power agent of the seventh respondent before the learned Judicial Magistrate, FTC, Tirupur. In that case, a fraudulent deed of understanding dated 27.11.2023 was fabricated by the respondents 7 to 10 thereby, he lodged a complaint before the fourth respondent on 16.12.2024 and also sent a complaint through postal on 17.12.2024, but no action was taken. In the mean time, without conducting proper enquiry, the fourth respondent closed the complaint through proceedings dated 17.02.2025. Therefore, the petition is filed.

3.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner's complaint was already enquired and the same was closed and now, after closure of the complaint, this petition has been filed. Once the fourth respondent closed the petitioner's complaint, then the petitioner has to approach the concerned Magistrate by way of filing a private complaint and without exhausting that remedy, the petitioner has filed this petition. There are no grounds to quash the proceedings and the petitioner also participated in the enquiry proceedings and there are civil disputes pending between the parties and the fourth respondent, after elaborate enquiry, closed the complaint as civil in nature and the jurisdiction also comes under the



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High Court Police Station. Therefore, the petitioner has to approach the appropriate forum. Hence this petition is liable to be dismissed.

4.Considering the limited scope of the prayer sought for in this petition, this Court, without even issuing notice to the private respondents, is inclined to pass orders.

5.According to the petitioner, he lodged a complaint before the fourth respondent for the forgery of document dated 27.11.2023 but without conducting proper enquiry, the fourth respondent closed the complaint as civil in nature. According to the fourth respondent, after conducting enquiry, the petitioner's complaint was closed. Once the fourth respondent closed the complaint, the remedy is to approach the concerned Magistrate by filing private complaint. However, the petitioner without approaching the concerned Magistrate, straightaway approached this Court. Moreover, there are civil disputes and cheque complaints are pending between the parties. While so, the alleged forged document was produced before the Court and the same was also filed before the Judicial Magistrate Court. Therefore, the petitioner is at liberty to establish his case where the alleged forged document is pending.



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6. In view of the above, preserving the liberty of the petitioner to challenge the closure of the complaint in the manner known to law, this writ petition is disposed of. Consequently, connected miscellaneous petitions are closed.

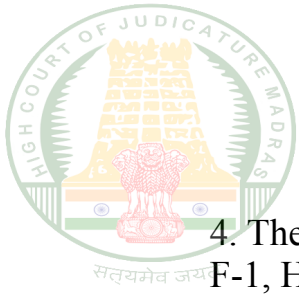
01.04.2025

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

LR

To

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P.DHANABAL, J.

LR

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