



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2015

CORAM

THE HONOURBLE MR.JUSTICE B.RAJENDRAN

W.P(MD) .No.13926 of 2013

and

M.P. (MD) No.1 of 2013

S. GNANASEKARAN

.. Petitioner

Vs.

1. THE SUPERINTENDENT OF POLICE,
SIVAGANGAI DISTRICT.
2. THE DEPUTY SUPERINTENDENT OF
POLICE, MANAMADURAI DIVISION,
SIVAGANGAI DIVISION.
3. P. RAMACHANDRAN
4. R. GANESH PRABU

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the 2nd respondent not to indulge in Katta Panchayat on the complaint of the 3rd respondent.

For Petitioner	: Mr.D.Venkatesh
For R1 and R2	: Mr.R.Karthikeyan
	Additional Government Pleader
For R3 and R4	: Mr.S.A.Palanichami

ORDER

The writ petition has been filed for issuance of writ of Mandamus directing the second respondent not to indulge in Katta Panchayat on the complaint of the 3rd respondent.

2. Heard the learned counsel for the petitioner; the learned Additional Government Pleader appearing for the respondents 1 and 2 and the learned counsel appearing for the respondents 3 and 4.

3. According to the petitioner he had some civil dispute with the fourth respondents. Earlier a complaint was given by the fourth respondent, the son of the third respondent. The petitioner appeared before the police on 10.07.2013; 17.07.2013



and 30.07.2013 and after enquiry, the complaint was closed. Once again the third respondent gave an another complaint after one month. But the second respondent without enquiring properly, straight away directed the petitioner to pay money to the fourth respondent. Aggrieved against the same, the present writ petition has been filed.

4. In fact, it is only a civil dispute and no jurisdiction can be raised in the criminal side.

5. The second respondent police has filed a counter affidavit stating that there is no harassment and they are only investigating the complaint given by the third respondent and they will not in any way interfere in a civil dispute. But based on the complaint only, they have called the petitioner for investigation.

6. The third respondent has filed counter stating that earlier there was a complaint given by his son and that was not properly investigated and therefore, he has given an another complaint. But the complaint has been only investigated and that they have not harassed the petitioner.

7. Even though the petitioner stated that earlier the fourth respondent, the son of the third respondent has given a complaint and after enquiry it was closed and thereafter, the third respondent has given another complaint, the fact remains that there is a dispute between the petitioner and the third and fourth respondents. If it is purely civil matter, the police will not disturb or harass the petitioner. But if there is a complaint given, the respondent police is entitled to enquire, but not in any way to harass the petitioner.

8. In any view of the matter, the earlier complaint given by the fourth respondent has been closed. It is made clear that the authority will strictly go in accordance with law and can enquire only after giving due summon and notice and following the procedure contemplated under the Code of Criminal Procedure and the respondents police shall not in any way harass the petitioner.

9. Recording the statements made in the counter affidavit filed by the respondents 2 and 3, this writ petition is closed. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(AS)

/True Copy/



1. THE SUPERINTENDENT OF POLICE,
SIVAGANGAI DISTRICT.

2. THE DEPUTY SUPERINTENDENT OF POLICE,
MANAMADURAI DIVISION, SIVAGANGAI DIVISION.

+1cc to Mr.V.S.Kumaraguru, Advocate Sr.No.5797

+1cc to Mr.D.Venkatesh, Advocate Sr.No. 5792

+1cc to Spl.Government Pleader Sr.No.6009

raj2

AA/25.02.2015/3p- 6c/

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