

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.No.35391 of 2015

Rajah Ameer Sulthan

... Petitioner

Vs

1. The Commissioner of Police,
O/o The Commissioner of Police,
Vepery, Chennai - 600 007.
2. The Deputy Commissioner of Police,
Triplicane,
Chennai - 600 005.
3. The Assistant Commissioner of Police,
Triplicane,
Chennai - 600 005.
4. The Inspector of Police,
D-1, Police Station,
Triplicane,
Chennai - 600 005.
5. N.Bashir Ahmed ... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents 1 to 4 herein not to disturb the petitioner pursuant to the petition/complaint pending against the petitioner which is purely of civil nature and bearing number not known to the petitioner and whose facts and issues are same or similar to the cause of action and issues raised in O.S.No.248 of 2015 on the file of District Munsif Court, Uthamapalayam, Theni District.

For Petitioner : Mr.D.Segaran

For Respondents : Mr.P.Sanjay Gandhi,
Additional Government Pleader
for R1 to R4
Mr.C.K.M.Appaji for R5.

O R D E R

This petition has been filed to direct the respondents 1 to 4 herein not to disturb the petitioner, pursuant to the petition/complaint, pending against the petitioner, which is purely of civil nature and bearing number not known to the petitioner and whose facts and issues are same or similar to the cause of action and issues raised in O.S.No.248 of 2015 on the file of District Munsif Court, Uthamapalayam, Theni District.

2. It is stated in the affidavit that the 4th respondent herein has received a complaint in March 2015 against the petitioner for the alleged offence under section 420 IPC. According to the petitioner, the said complaint is purely civil in nature. The alleged fact in the said complaint is that the defacto complaint/ 5th respondent has paid a sum of Rs.21,50,000/- for purchase of immovable property by auction sale but neither the property was purchased nor the amount was returned to the 5th respondent. The complaint lodged by the 5th respondent, is purely civil in nature. Now, under the guise of enquiry, the respondent police are interfering with the civil dispute. In fact, a civil suit in O.S.No.248/2015 is pending between the parties in this regard. Hence, the petitioner has come forward with the present petition.

3. When the matter is taken up for consideration, learned Additional Government Pleader submitted that the respondent police is not interfering with the civil dispute but they are only conducting enquiry on the complaint lodged by one Basheer Ahmed and pursuant to the direction given by this Court in Crl.O.P.No.28921 of 2015 dated 07.12.2015.

4. In view of the submission made by the learned Additional Government Pleader, I am of the opinion that there is no need to give any specific direction to the respondents. Recording the submissions made by the learned Additional Government Pleader, the writ petition stands closed. No costs.

Sd/-

Assistant Registrar

/ True Copy /

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Sub Assistant Registrar

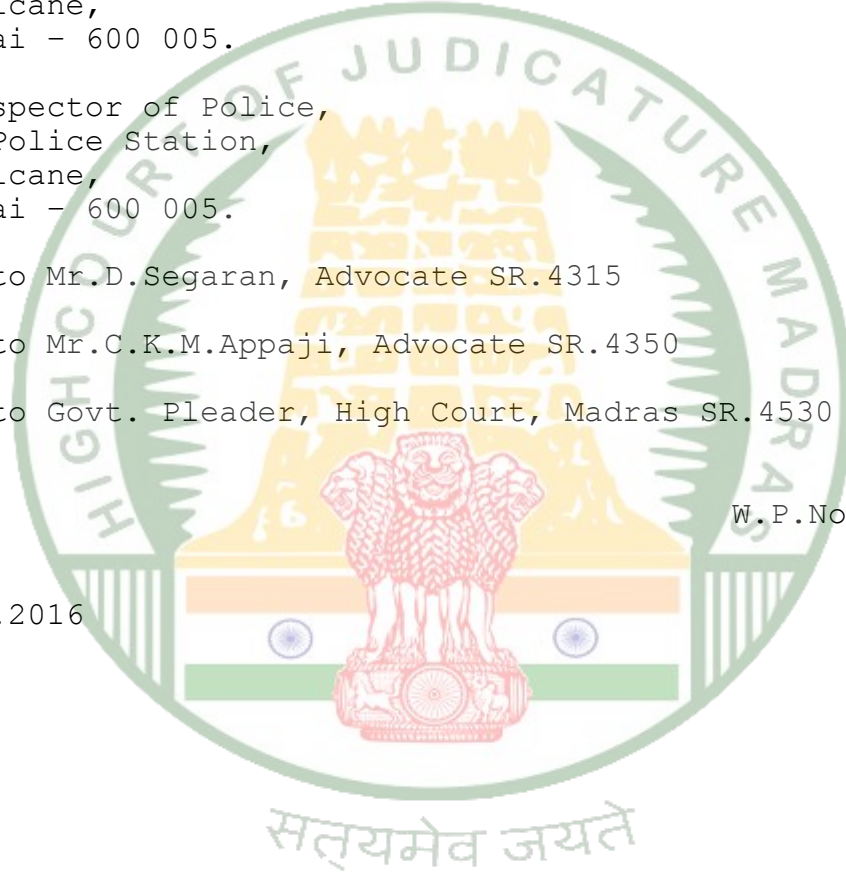
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To

1. The Commissioner of Police,
O/o The Commissioner of Police,
Vepery,
Chennai - 600 007.
 2. The Deputy Commissioner of Police,
Triplicane,
Chennai - 600 005.
 3. The Assistant Commissioner of Police,
Triplicane,
Chennai - 600 005.
 4. The Inspector of Police,
D-1, Police Station,
Triplicane,
Chennai - 600 005.
- + one cc to Mr.D.Segaran, Advocate SR.4315
- + one cc to Mr.C.K.M.Appaji, Advocate SR.4350
- + one cc to Govt. Pleader, High Court, Madras SR.4530

W.P.No.35391 of 2015

BV2 (CO)
VS 09.02.2016



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