

THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.11.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Writ Petition No.41519 of 2016
and
WMP.No.35506 of 2016

D.Vimalanathan

... Petitioner

-Versus-

1. The District Collector
Dharmapuri District,
Dharmapuri.
2. The Superintendent of Police
Dharmapuri District, Dharmapuri.
3. The Social Justice & Human Rights Unit
AR Quarters, Dharmapuri.
4. P.Govindan

... Respondents

Petition filed under Section 226 of the Constitution of India praying for issuance of a writ of mandamus, to direct the respondents not to enquire further on the complaint of P.Govindan, 4th respondent since the matter is seized of by this Hon'ble Court in Crl.OP.No.12820/2016.

For Petitioner : Mr.M.Selvam

For R1 to R3 : Mr.C.Emalias,
Additional Public Prosecutor

ORDER

This writ petition has been filed seeking a directions to the respondents 1 to 3 forbearing enquiry on the complaint of P.Govindan, 4th respondent since the matter is seized of by this Hon'ble Court in Crl.OP.No.12820/2016.

2. It is the case of the petitioner, that Govindan (4th respondent) is un-necessarily lodging complaint against the petitioner and therefore, he is before this Court with the above prayer. It is seen that earlier this petitioner filed Crl.OP.No.20174/2016 in which, this Court passed a detailed order on 08.09.2016, the operative portion of which is as follows:

"On a reading of the complaint given by Govindan, it essentially appears to be a money quarrel. Govindan is admittedly the brother-in-law of the petitioner. The respondent police may bear this in mind and complete the enquiry on the complaint given by Govindan within two weeks from the date of receipt of a copy of this order. As stated above, the petitioner shall co-operate in the enquiry and produce necessary documents."

3. Learned counsel appearing for the petitioner submitted that pursuant to the order passed by this Court, the District Crime Branch conducted an investigation and closed the case. Now, it is the grievance of the petitioner that the said Govindan has once again given complaint to the 1st respondent, who in turn forwarded the same to the 2nd respondent and the 2nd respondent forwarded the same to the 3rd respondent and the 3rd respondent unnecessarily calling the petitioner without any summons.

4. Under such circumstances, this Court directs the 3rd respondent to issue summons to the petitioner for enquiry, if there is any legitimate complaint against him and not unnecessarily harass him and ask him over telephone to appear.

With the above direction, this petition is closed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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1. The District Collector
Dharmapuri District, Dharmapuri.
2. The Superintendent of Police
Dharmapuri District, Dharmapuri.
3. The Social Justice & Human Rights Unit
AR Quarters, Dharmapuri.
4. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Selvam, Advocate, S.R.No.69597

W.P.No.41519 of 2016

SK (CO)
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CA (28/12/2016)