



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.04.2016

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

W.P(MD)No.8874 of 2016

and

W.M.P(MD)No.7083 of 2016

P.Uma

... Petitioner

-vs-

1.The Superintendent of Police,
Theni District,
Theni.

2.The Deputy Superintendent of Police,
Theni District, Theni.

3.The Inspector of Police,
Allinagaram Police Station,
Theni District.

4.Sivakumar

5.Ammalu @ Nagammal

6.Thavamani

7.Parimala

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, forbearing the respondent Nos.2 to 4 from interfering with the rights of the parties pertaining to civil dispute which is pending adjudication in O.S.No.11 of 2015 on the file of the District Munsif Court, Theni.

For Petitioner : Mr.P.R.Prithiviraj

For RR 1 to 3 : Mr.D.Muruganantham
Additional Government Pleader

O R D E R

This writ petition has been filed, seeking a direction to the respondent Nos.2 to 4 from interfering with the rights of the parties pertaining to civil dispute which is pending adjudication in O.S.No.11 of 2015 on the file of the District Munsif Court, Theni.



2. Heard the learned counsel on either side.

3. It is seen that this petitioner and respondent Nos.5 to 7 are having a dispute with regard to a property, in connection with which, this petitioner has filed a suit in O.S.No.11 of 2015 before the District Munsif Court, Theni for declaration and injunction. While so, it is alleged by the petitioner that the respondent Nos.2 to 4, who are the police officials, are interfering with the civil dispute.

4. The learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that in connection with the disputed property, several criminal cases have been registered namely Crime Nos.52 of 2015, 78 of 2015, 239 of 2016, 240 of 2016 and 246 of 2016, in which this petitioner is arrayed as an accused in Crime No.239 of 2016.

5. Under such circumstances, in order to maintain peace, the police officers are forced to take certain action, which cannot be considered as interference in the civil rights of the parties. Under Section 149 of Cr.P.C, Police have got a duty to interpose, if there is a likelihood of cognizable offence. Under such circumstances, the police cannot be enjoined as prayed for by the petitioner. At the same time, the police should also not take sides with either party so as to cause prejudice to their civil right.

6. With the above observation, this petition is closed. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub-Assistant Registrar

To

- 1.The Superintendent of Police, Theni District, Theni.
 - 2.The Deputy Superintendent of Police, Theni District, Theni.
 - 3.The Inspector of Police, Allinagaram Police Station, Theni District.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +One cc to M/s.P.R.Prithiviraj, Advocate, SR.No.25369
+One cc to The Special Government Pleader, SR.No.25748

ps

RL/7C/2P/17/5/2016

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