

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2017

CORAM

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

W.P. No.27834 of 2003

Thirunindra Narayana Finances &
Investments Ltd.,
represented by its
Executive Director,
A.K.Prabhakar
No.64, 4th Avenue,
Ashok Nagar,
Chennai - 600 083.

Petitioner

Vs.

1. The Commissioner of Police
Egmore,
Chennai- 600 008.
2. The Assistant Commissioner of Police
Ashok Nagar,
Chennai- 600 083.
3. The Inspector of Police,
(Law & Order)
R3. Ashok Nagar Police Station,
Chennai - 600 043.
4. M.Durai
5. Shanthi

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Mandamus forbearing the respondents 1 to 3 or their subordinates from enquiring into the civil liability between the petitioner and the respondents 4 to 5 forming the subject matter of the Suit is O.S.No.1282 of 2003 on the file of the VII Additional Judge, City Civil Court, Chennai.

For Petitioner : Mr.T.Senthil Kumar

For Respondents : Mr.A.Zakkir Hussain,
Government Advocate for
R1 to R3
Mr.Soundar for R4 & R5

ORDER

The Writ Petitioner, who is a finance company, filed this Writ Petition with a prayer forbearing the respondents 1 to 3 or their subordinates from enquiring into the civil liability between the petitioner and the respondents 4 to 5 forming the subject matter of the Suit is O.S.No.1282 of 2003 pending on the file of the VII Additional Judge, City Civil Court, Chennai.

2. At the outset, the prayer sought for in the Writ Petition cannot be entertained under Article 226 of the Constitution of India, in view of the fact that the Inspector of Police and the police authorities are duty bound to conduct enquiry. If any complaint is filed against any person, the authority of conducting an enquiry either by the Commissioner of Police or by his subordinates cannot be taken away by way of issuing a writ by this Court under Article 226 of the Constitution of India.

3. Admittedly, the suit in O.S.No.1282/2003 is pending and the civil disputes in between the parties can be resolved by way of civil suit that will not prevent any one of the parties from filing the complaint before the police authorities with regard to the commission of any offence by either of the parties.

4. Therefore, this Court is not inclined to consider the very relief sought for in this writ petition and the same is not maintainable and cannot be entertained. Accordingly, the writ petition stands dismissed as not maintainable, however, there shall be no order as to Costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

aav/Svn

To

1. The Commissioner of Police
Egmore,
Chennai- 600 008.

2. The Assistant Commissioner of Police
Ashok Nagar,
Chennai- 600 083.

3. The Inspector of Police,
(Law & Order)
R3. Ashok Nagar Police Station,
Chennai - 600 043.

+1cc to the Government Pleader, S.R.No.45332

W.P.No.27834/2003

CS/20/07/17



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