



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE P.N.PRAKASH**W.P. (MD) .No. 312 of 2017**

M.Balasubramanian

... Petitioner

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Thanjavur District, Thanjavur.

2.The Deputy Superintendent of police,
Office of the Deputy Superintendent of police,
Kumbakonam, Thanjavur District.

3.Ramamoorthi
The Inspector of Police ,
Kumbakonam Taluk Police Station,
Kumbakonam, Thanjavur District.

4.Vijaya,
Sub-Inspector of police,
Kumbakonam Taluk Police Station,
Kumbakonam,
Thanjavur District

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus or any other order or direction in the nature of the Writ, Directing the 1st and 2nd respondents to take disciplinary action against the 3rd and 4th respondents by considering my representation dated 17.09.2016.

For Petitioner : Mr.S.Karthick Subramanian

For Respondents : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

O R D E R

It is seen that this petitioner is having some civil dispute with one Sakthi in connection with which, this petitioner has given a complaint against Sakthi and Sakthi has given a complaint against this petitioner. The police have called both of them for enquiry. While so, it is alleged by the petitioner that the police are taking sides to Sakthi and are acting against the interest of the petitioner. Therefore, the petitioner has given a representation dated 17.09.2016 to the Superintendent of Police and has filed the present writ petition for a direction to the Superintendent of



Police to take departmental action against the respondents 3 and 4, who are the Inspector and Sub Inspector of Police, respectively.

2. The Deputy Superintendent of Police has filed a counter affidavit, wherein, it is stated as follows:

"5.It is further submitted that the said property situate in R.S.No.177/4 (New R.S.No.177/15) comprises 2180 sq.ft. and a thatched house therein is in possession and enjoyment of the 1st complainant Smt.S.Sakthi and the said thatched house is no way hindrance to the pathway leads to property owned by the 2nd complainant Balasubramaniyan. Whereas the 2nd complainant/petitioner has preferred a complaint stating that the said thatched house property owned by S.Sakthi is a hindrance to the pathway being used by him.

6.It is further submitted that my subordinates the respondents 3 and 4 herein have called the 1st complainant Sakthi on issuing CSR No.209/16 and the 2nd complainant Balasubramaniyan in order to settle the disputes amicably and they obtained concern letters from the both the parties for the enjoyment and possession by the said Sakthi. Previously the respondents 3 and 4 were personally inspected the property in disputes and found that the complainant Balasubramaniyan has preferred a false complaint against the 1st complainant Sakthi as if she is causing hindrance to the pathway leads to the 2nd complainant Balasubramaniyan property. My subordinate the respondents 3 and 4 have not acted illegally and there is no truth in the allegations made by the 2nd complainant Balasubramaniyan against my subordinates the respondents 3 and 4. It is an invented lie on the part of the 2nd complainant Balasubramaniyan from making false allegations as if my subordinates the respondents 3 and 4 have illegally acted against his interest. There is no merits in the writ petition filed by the 2nd complainant Balasubramaniyan and hence, the enquiry held by subordinates were closed on 04.09.2016"

3. In view of the above, it is apparent that the complaint given by the petitioner against Sakthi was not a bonafide one, but on the complaint given by Sakthi, a petition enquiry is pending in CSR No.209/2016. Whenever a complaint is given, it is the duty of the police to conduct an enquiry in compliance with the directions of the Supreme Court in **Lalitha Kumari vs. Govt. of U.P & others [2013 (4) Crimes 243 (SC)]**. Therefore, it is preposterous for the petitioner to accuse the police of being parties of when they are required to do their statutory duties.

4. In view of the above, this petition is devoid of merits and accordingly, the same is dismissed. However, the respondent police



shall not harass the petitioner, if the dispute is purely civil in nature.

Sd/-

Assistant Registrar (CO)

/True copy/

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Sub Assistant Registrar

To

1.The Superintendent of Police,
Office of the Superintendent of Police,
Thanjavur District,
Thanjavur.

2.The Deputy Superintendent of police,
Office of the Deputy Superintendent of police,
Kumbakonam,
Thanjavur District.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 18384

RR

PSM/SV-MMS/SAR2/12.04.2017/3P/4C

ORDER MADE IN
W.P. (MD) .No 312 of 2017
27.03.2017