



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.03.2017

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THE HON'BLE MR.JUSTICE P.N.PRAKASH

W.P.(MD) No.4276 of 2017

K.Arumugam

... Petitioner

-vs-

1. The Superintendent of Police,
Dindigul District, Dindigul.
2. The Inspector of Police,
Ammayanaickanoor Police Station,
Dindigul District.
3. Kannan
4. Divya

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, forbearing the 2nd respondent from interfering with the civil dispute which is the subject matter in O.S.No.583 of 2016 on the file of Principal Sub Court, Dindigul under the guise of enquiry.

For Petitioner : Mr.R.Pon Karthikeyan
For R1 & R2 : Mr.T.S.Mohammed Mohideen,
Addl. Govt. Pleader

O R D E R

This petition has been filed, seeking to forbear the 2nd respondent from interfering with the civil dispute, which is the subject matter in O.S.No.583 of 2016 on the file of Principal Sub Court, Dindigul under the guise of enquiry.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader. Mrs.J.Susila, Sub-Inspector of Police, Ammayanaickanoor Police Station is present.

3. It is seen that Arumugam / petitioner herein had purchased two properties from the 3rd respondent and his father sometimes in the year 2015 for valuable consideration and since then, he has been in occupation and enjoyment of the property. He is said to be ~~owning~~ ^{residing} in the said property in the name of Akshaya Bakery and Hotels. Thereafter, it is alleged by the 3rd respondent and his wife / R4 that they had not received the full consideration in



respect of the properties that were sold and that when they demanded the payment of balance consideration, the petitioner assaulted them and abused them by referring to their caste.

4. In this regard, a case in Crime No.341 of 2016 was registered and during the course of investigation, it came to light that the petitioner had purchased the property for valuable consideration from the 3rd respondent and had paid the full sale consideration, but whereas on account of escalation of prices, the 3rd and the 4th respondents had set up a case, as if they had not received the full consideration from the petitioner. However, the Police investigation reveals that the petitioner had abused the 3rd and 4th respondents and also assaulted them. After completing the investigation, the Police have filed a charge sheet and the case is now pending in S.C.No.20 of 2017 before the learned Principal District and Sessions Court, Dindigul for offences under Sections 294(b), 406, 420, 323, 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and Section 3(1)(x) of SC/ST Act against the petitioner and others.

5. Now, the petitioner is before this Court, alleging that the 3rd and the 4th respondents are continuously giving a complaint for the same cause of action, alleging that they were not paid full consideration and that Police are repeatedly calling the petitioner for enquiry.

6. From the records, submitted by the learned Additional Government Pleader, it is seen that the 4th respondent has given afresh complaint dated 20.02.2017 to the Additional Deputy Superintendent of Police, Dindigul, who has directed the Inspector of Police, Ammayanaickanoor Police Station to enquire into the complaint dated 20.02.2017 in order to find out the genuineness of the allegations. Therefore, learned Additional Government Pleader submitted that the Police had called the petitioner for enquiry.

7. It is also seen that a suit in O.S.No.583 of 2016 has been filed by the petitioner against the 3rd and 4th respondents before the Principal Sub-Court, Dindigul for bare injunction.

8. In view of the aforesaid facts, the petitioner is directed to co-operate with the 2nd respondent for enquiry on the complaint dated 20.02.2017 that is said to have been given by the 4th respondent and during enquiry, he shall not be harassed. The 2nd respondent is directed to examine the genuineness of the complaint given by the 4th respondent dispassionately. If the allegations are found to be false, it is needless to state that the complaint should be closed and the petitioner should not be harassed any further.



9. With the above observation and direction, this petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

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Sub Assistant Registrar

To:

1. The Superintendent of Police,
Dindigul District, Dindigul.
2. The Inspector of Police,
Ammayanaickanoor Police Station,
Dindigul District.

+1CC to M/S.R.Pon Karthikeyan,, Advocate, SR.No. 14585

+1CC to the Special Government Pleader SR.No. 14727

W.P.(MD) No.4276 of 2017

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