



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2017

CORAM

WEB COPY

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

W.P.(MD) No.4809 of 2017

G.Bala Krishnan

... Petitioner

-vs-

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

2. The Inspector of Police,
Kadayam Police Station,
Tirunelveli District.

3. Sivin Rajmon,
Sub-Inspector of Police,
Cheranthamaram Police Station,
Cheranthamaram,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the 1st respondent to take appropriate action against the 3rd respondent based on the findings of the enquiry report dated 06.01.2017 along with representation dated 06.01.2017 within stipulated time.

For Petitioner : Mr.S.Chellapandian

For Respondents : Mr.T.S.Mohammed Mohideen,
Addl. Govt. Pleader

O R D E R

This petition has been filed to direct the 1st respondent to take appropriate action against the 3rd respondent based on the findings of the enquiry report dated 06.01.2017 along with representation dated 06.01.2017 within stipulated time.

2. It is seen that this petitioner has given a complaint to the 1st respondent on 15.06.2016, making allegations against R3 and asking him to take action.

3. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the State.

4. On perusal of the records, it is seen that this petitioner has given a complaint dated 15.06.2016 to the 1st respondent, which in turn was referred to the Inspector of Police,



Kadayanallur Police Station for enquiry as regards the allegation made against R3. The Inspector of Police conducted enquiry and has given a finding that earlier this petitioner had lodged a complaint against his own brother before the Sub-Inspector of Police, Cheranthamaram Police Station and the Sub-Inspector of Police went to the place of occurrence and found that the dispute was essentially between two brothers. During enquiry by Kadayanallur Police, it came to light that the dispute arose between the petitioner and his brother and the Sub-Inspector of Police, Cheranthamaram Police Station went to the place of occurrence and found that the petitioner had cut coconuts from the trees in the property of his brother and when this was brought to the notice of the petitioner, he is said to have handed over coconuts to his brother and the problem was resolved then and there. Thereafter, the petitioner has given the present complaint, making allegations against R3 stating that he was conducting Kattapanchayat in respect of the civil dispute and the Inspector of Police exonerated R3 of the allegations made by the petitioner.

5. It is the contention of the learned counsel for the petitioner that he made a request under RTI Act and received information that the complaint given by him was investigated by the Inspector of Police, Kadayanallur Police Station, but whereas record shows that actually enquiry was done by the Inspector of Police, Kadayanallur Police Station and therefore, there is a doubt in the enquiry conducted by the Inspector of Police, Kadayanallur Police Station. He also submitted that the petitioner was not called for enquiry.

6. On a conspectus of the facts obtaining in this case, doctrine of triviality will apply inasmuch as the dispute is essentially between two brothers in sharing of coconuts and therefore, this is not a fit case in which the relief sought for by the petitioner should be granted. This Court does not find anything wrong in the Sub-Inspector of Police intervening in a case of this nature and trying to immediately bring about solution between two brothers. Under Section 149 Cr.P.C., a duty is cast upon the Police to interpose to prevent the commission of cognizable offence.

Hence, this petition is devoid of merits and the same is accordingly dismissed. No costs.

Sd/-

Assistant Registrar(CS-II)

/True Copy/



To:

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

2. The Inspector of Police,
Kadayam Police Station,
Tirunelveli District.

+1 cc to Special Government Pleader, SR.No. 17062

W.P. (MD) No.4809 of 2017
22.03.2017

ar

MKV-SKN-SAR 3/18.4.2017/3P-4C