



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 16.06.2017
CORAM

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

WEB COPY

W.P. (MD) No.18311 of 2016 &
WMP(MD) Nos.13188 and 13189 of 2016

Saravana Traders
Rep. by Proprietor
K.Kalimuthu

... Petitioner

-vs-

1. The Superintendent of Police
Dindigul District
2. The Deputy Superintendent of Police
Ottanchathiram, Dindigul District
3. The Inspector of Police
Ottanchatram Police Station,Dindigul.
4. Selvaraj
5. P.Shanmugasundar

... Respondents

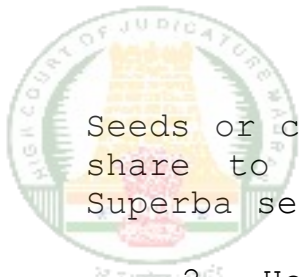
(R5 has been impleaded as 5th respondent
vide order of this Court in
Crl.M.P.No.16066/2016 dated 16.06.2017)

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, to forbear the respondents 1 to 3, their men, agents or subordinates from interfering with the business transactions between the petitioner and the 4th respondent in the sale and purchase of Glorisa Superba Seeds or compelling the petitioner to give an undertaking to pay a share to the 4th respondent in the profit of sale of Glorisa Superba seeds.

For Petitioner : Mr.C.Jeganathan for
M/s.Veera Associates
For Respondents : Mr.T.S.Mohammed Mohideen
Addl. Govt. Pleader for R1 to R3

O R D E R

This writ petition has been filed for a direction to the respondents 1 to 3, their men, agents or subordinates from interfering with the business transactions between the petitioner and the 4th respondent in the sale and purchase of Glorisa Superba



Seeds or compelling the petitioner to give an undertaking to pay a share to the 4th respondent in the profit of sale of Glorisa Superba seeds.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents 1 to 3.

3. The Deputy Superintendent of Police, Oddanchathiram, has filed a counter affidavit, wherein, in Paragraph No.6, it is stated as follows:

"6.It is further submitted that during the enquiry, it is informed that Kuppusamy against whom criminal complaint has been lodged by the 4th respondent is none other than business agent of the petitioner namely K.Kalimuthu herein. Immediately, after receiving the criminal complaint, the same was taken on file by the 3rd respondent as C.S.R.No.100/20116 dated 11.09.2016. Earlier the petitioner also preferred a complaint and the same was taken into file as C.S.R.No.99 of 2016. Then, in order to ascertain the real factors involved in the dispute between the petitioner and the 4th respondent, the 3rd respondent had initiated first step by calling all the necessary parties to be presented with their documents for the preliminary enquiry. On the next day namely on 12.09.2016 one of the accused person Kuppusamy personally appeared before the 3rd respondent herein and on the same day he himself voluntarily made his statement in writing by stating that they will settle the issues within a short span of time. Likewise, the 4th respondent, the defacto complainant namely C.Selvaraj has also appeared for enquiry and who also gave his statement in his own handwriting by stating that since Kuppusamy accepted to settle the amount in a short period, on further action is necessary to be proceeded with and hence further action on his complaint in C.S.R.No.100 of 2016 dated 11.09.2016 may be dropped."

4. In view of the above, the police are directed to not to interfere in the civil dispute between the petitioner and the 4th respondent as long as there is no commission of cognizable offences by either party.

5. With the above direction, this writ petition is disposed of. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-II)

/True copy/



To

1. The Superintendent of Police
Dindigul District

2. The Deputy Superintendent of Police
Ottanchathiram
Dindigul District

3. The Inspector of Police
Ottanchatram Police Station,
Dindigul.

+1 CC to THE SPECIAL GOVERNMENT PLEADER, SR No. 60803.

RR

PSM/SV/SAR1/11.07.2017/3P/5C

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