

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2018

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P.No.18457 of 2018

A.Karthikeyan
S/o.N.Aravamudan

.. Petitioner

Vs

1.The Sub-Inspector of Police,
Cuddalore O.T. Police Station,
Cuddalore - 607 003.

2.The Inspector of Police,
Cuddalore O.T. Police Station,
Cuddalore - 607 003.

3.T.Kandeepan,
S/o.Thirunavukkarasu

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the respondents 1 and 2 from intimidating the petitioner in respect of his dispute with the third respondent.

For Petitioner : Mr.R.Gururaj

For Respondents : Mr.D.Raja,
Additional Government Pleader
[Writ Criminal]

O R D E R

It appears that there is some dispute between the petitioner and the third respondent and it is alleged by the petitioner that at the instance of third respondent, respondents 1 and 2 are harassing the petitioner. Therefore, the petitioner has filed the present Writ Petition for a mandamus.

2. Heard Mr.R.Gururaj, learned counsel for the petitioner and Mr.D.Raja, learned Additional Government Pleader [Writ Criminal].

3. In the opinion of this Court, a blanket mandamus as prayed for by the petitioner cannot be granted since if the petitioner is involved in any offence, the order of this Court will be used as a shield to prevent the police from proceeding with the investigation. It is a trite law that a Writ of Mandamus can be issued only for performing a statutory duty. Under Chapter XII of the Cr.P.C., the police have got a statutory duty to investigate an offence to its logical conclusion and Section 149 Cr.P.C. imposed a duty upon the police to interpose and prevent the commission of cognizable offence. Therefore, a Writ Court cannot issue a mandamus interdicting the powers of the police under Chapter XII and Section 149 Cr.P.C. However, in this case, if the police finds that the dispute is essentially civil in nature between the petitioner and the third respondent, the petitioner shall not be unnecessarily harassed. In fact, learned Additional Government Pleader [Writ Criminal] submitted that on the complaint given by the third respondent, a petition enquiry has been conducted and the parties have been advised to work out their remedy before the civil Court.

Accordingly, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

gm
To

1.The Sub-Inspector of Police,
Cuddalore O.T. Police Station,
Cuddalore - 607 003.

2.The Inspector of Police,
Cuddalore O.T. Police Station,
Cuddalore - 607 003.

+1cc to Mr.R.Gururaj, Advocate sr.no.49476
+1cc to Special Government Pleader sr.no.49345

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svn(co)
nr 03/08/2018