



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.04.2019

CORAM

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P. (MD) No.10662 of 2019

A.Sivasubramanian

... Petitioner

Vs.

1. The Superintendent of Police,
Tirunelveli,
Tirunelveli District.
2. The Deputy Superintendent of Police,
Tenkasi Division,
Tirunelveli District.
3. The Inspector of Police,
Courtralam Police Station,
Tirunelveli District.
4. C.Suresh Kumar,
The Inspector of Police,
Courtralam Police Station,
Tirunelveli District.

5. Murugan

... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondents 1 to 4 to take action as against the 5th respondent based on the petitioner's representations dated 18.03.2019 and 22.04.2019.

For Petitioner : Mr.R.J.Karthick

For Respondents : Mrs.S.Bharathi

Government Advocate (Criminal side)

R1 to R4

ORDER

This writ petition has been filed to direct the respondents 1 to 4 to take action as against the 5th respondent based on the petitioner's representations dated 18.03.2019 and 22.04.2019.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal side) appearing for the respondents 1 to 4.

3. The learned counsel for the petitioner submitted that based on the forged transfer form, the fifth respondent claims the vehicle belonging to the petitioner, for which the fourth respondent joining hands with the fifth respondent. He would further submit that on



coming to know of the alleged fabrications, the petitioner moved the concerned RTO and lodged a complaint and the same is pending enquiry.

3. The learned Government Advocate (Criminal side) would submit that the fifth respondent has preferred a complaint and the same is pending preliminary enquiry in C.S.R.No.231 of 2019, dated 03.01.2019.

4. If there is any dispute as to the title of the property, then the second respondent may step into the matter and it has to be resolved before the civil Court. If the complaint discloses *prima facie* commission of any cognizable offence, necessarily the investigating Agency should follow the principles in the judgment reported in the case of **Lalitha Kumari Vs. Government of Uttar Pradesh** [2013 (6) CTC 353]. If on the other hand the first respondent considers that it is necessary to hold any preliminary enquiry / interrogation, the same shall be done only on summons under Section 41 A Cr.P.C., mentioning specific date and time for enquiry and also giving reasonable time for him to travel to the venue of such enquiry. The petitioner is also directed to co-operate with the enquiry. During enquiry, there shall not be harassment to the petitioner.

5. With the above direction, the Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Superintendent of Police,
Tirunelveli, Tirunelveli District.
 - 2.The Deputy Superintendent of Police,
Tenkasi Division, Tirunelveli District.
 - 3.The Inspector of Police,
Courtralam Police Station,
Tirunelveli District.
- +1 CC to Mr.R.J.KARTHICK, Advocate, SR-63816.

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