



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2019

CORAM :

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THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.(MD)No.5161 of 2019
and W.M.P(MD)No.4148 of 2019

P.K.Sekar

... Petitioner

/Vs./

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

2.The Deputy Superintendent of Police,
Dindigul Rural,
Dindigul District.

3.The Inspector of Police,
District Crime Branch,
Dindigul District.

4.S.Anbalagan

... Respondents

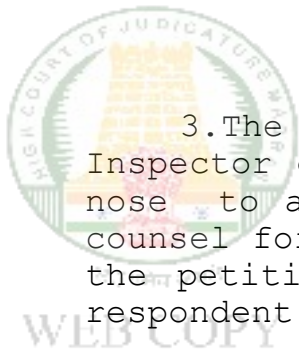
Prayer: Writ Petition - filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first and second respondents to take action against the third respondent for conducting a Kattapanchayat in the civil dispute between the petitioner and the fourth respondent based on the petitioner's representation dated 01.03.2019.

For Petitioner : Mr.B.Prasanna Vinoth
For R1 to R3 : Mrs.S.Bharathi
Government Advocate (Crl. Side)

ORDER

This petition has been filed seeking a direction to the first and second respondents to take action against the third respondent for conducting a Kattapanchayat in the civil dispute between the petitioner and the fourth respondent based on the petitioner's representation dated 01.03.2019.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondents 1 to 3.



3. The petitioner's accusation is that the third respondent, the Inspector of Police, District Crime Branch, Dindigul, is poking his nose to a civil dispute pending in O.S.No.47 of 2019. The learned counsel for the petitioner submits that the third respondent insists the petitioner to execute some documents in favour of the fourth respondent and to withdraw the civil suit.

4. The learned Government Advocate(Crl.side) on instructions would submit that the fourth respondent has given a complaint against the petitioner, based on which, summons has been issued for conducting enquiry and during enquiry, they relied on some documents. He would further submit that there is no such interference by the third respondent in the pending civil dispute. The said statement is recorded.

5. If the allegation made by the learned counsel for the petitioner were to be appreciated on its face value, then it is a clear case of the third respondent overstepping his jurisdiction and steps into the area, where the civil court has already taken seisin of the dispute. However, inasmuch as a statement is made by the learned Government Advocate that the third respondent is not interfering with the civil dispute, this Court, as indicated, recorded the same.

6. It is settled law that if the dispute is of civil nature, then, the police shall not step-in. However, if it involves any criminal overtone, the police can interfere in it. Inasmuch as the prayer sought for is limited that the police should not interfere in the civil dispute, the Investigating Agency is directed to enquire the matter strictly in accordance with law and should not adopt any extra legal methods.

7. With the above direction, this petition is disposed of. No costs. Consequently, connected W.M.P.(MD)No.4148 of 2019 is closed.

Sd/-

Assistant Registrar (AD-I)

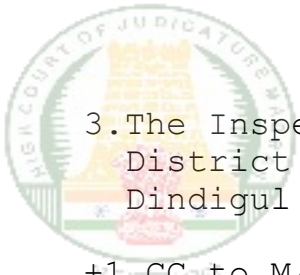
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Sub Assistant Registrar(CS)

To

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

2. The Deputy Superintendent of Police,
Dindigul Rural,
Dindigul District.



3.The Inspector of Police,
District Crime Branch,
Dindigul District.

+1 CC to M/s.B.PRASANNA VINOTH, Advocate
(SR-51892[F] dated 06/03/2019)

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Order made in
W.P. (MD) No. 5161 of 2019
05.03.2019

ES/21.03.2019/3P/5C