



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2019

CORAM

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THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P. (MD)No.24072 of 2018

Mothilal Nehru

... Petitioner

Vs.

1.The superintendent of police
Karur District, Karur.

2.The Deputy Superintendent of Police,
Karur Sub Division, Karur.

3.The Inspector of Police
Karur Town Police Station,
Karur.

4.Rajeshwari
Sub Inspector of Police
Karur Town Police Station
Karur District.

... Respondents

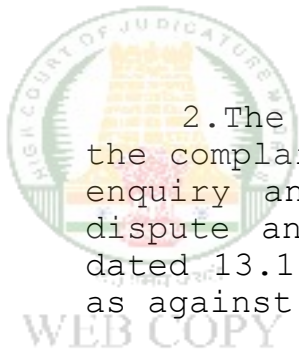
PRAYER:- Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, directing the respondents 1 to 3, to take necessary action on the basis of my representation dated 13/11/2018 with regard to ensure my personal liberty and giving necessary protection of myself and my family and consequently, directing the 1st respondent to take necessary action against the fourth respondent for misuse her official power within a time framed by this Court.

For Petitioner : Mr.D.Anbarasu

For Respondents : Mr.R.Anandharaj
Nos 1 to 3 Additional Public Prosecutor
Mr.K.Samy for R4

ORDER

This writ petition has been filed to direct the respondents 1 to 3 to take necessary action on the basis of my representation dated 13.11.2018 with regard to ensure the petitioner's personal liberty and giving necessary protection of myself and my family and consequently directing the 1st respondent to take necessary action against the fourth respondent for misuse her official power within a time framed by this Court.



2.The learned counsel for the petitioner would submit that on the complaint given by one Selvaraj, the fourth respondent conducted enquiry and also trying to give a criminal colour on the civil dispute and therefore, the petitioner submitted a representation, dated 13.11.2018 to the first respondent to take appropriate action as against the fourth respondent.

3.The learned Additional Public Prosecutor would submit that on the complaint lodged by one Selvaraj enquiry was conducted and the same was closed as 'civil in nature' and also both the parties are directed to approach the civil Court for appropriate relief in the manner known to law. Further, he would submit that the fourth respondent never interfere with their dispute and she never acted against law.

4.Heard the learned Counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

5.The petitioner lodged the complaint on 13.11.2018, to take appropriate action as against the fourth respondent and also seeking protection for himself and his family members. On the complaint lodged by one Selvaraj, the fourth respondent enquired the matter and closed the same as 'civil in nature' and also directed the petitioner and also the defacto complainant/Selvaraj to approach the civil Court for appropriate relief in the manner known to law. Further, it is also seen from the counter filed by the respondent and the relevant portions extracted here under:

"5.I respectfully submit that, after the said order passed by this Hon'ble High Court and also while the Civil Suit of O.S.No.373/2012 is pending before the Hon'ble Principal District Munsif Court of Karur on Selvaraj S/o. Kaliyannan had presented a complaint before the Inspector of Police, Karur Town Police Station as against the petitioner dated 11.11.2018 for the same Civil dispute. Based on the Complaint the SI of Police ie. fourth respondent had issued a C.S.R. copy C.S.R.No.560/2018 and head analyzing that the Complaint is civil in Nature and also as per the order passed by this Hon'ble Court in CrI.O.P.(MD)No.18392 of 2018 and the pendency of the Civil Suit of O.S.No.373/2012 is pending before the Hon'ble Principal District Munsif Court of Karur, this fourth respondent had advised the petitioner and the complaint to seek necessary relief before the Civil Court of Law and had closed the petitioner. Since No FIR was registered by this respondent. Even the petitioner and one Selvaraj had admitted the facts of the civil case and had both given a written statement that they will seek remedy through civil court of law."



6.I respectfully submit that, Since the petitioner's representation and the one Selvaraj's Complaint, dated 10.11.2018 are all civil in nature. Therefore as per the order of this Hon'ble Court in Crl.O.P.(MD)No.18392 of 2018 this fourth respondent had advised both the parties and advised both of them to seek remedy through Civil Court of Law had closed the petition in accordance with Law. Hence there is no question arises that this fourth respondent had misusing official power and had threatened the petitioner that this respondent will registered a case against the fourth respondent, and this respondent had never threatened or harassed the petitioner as mentioned in this Writ Petitioner, the petitioner had filed this application only on the basis of assumption and presumption through their Legal experts in order to harass this respondent and also had mentioned this respondent name in personal capacity to get unlawful benefits by back door methods. Hence, the relief of Mandamus cannot be legally granted to the petitioner at this stage."

6.It is also found that already the petitioner filed a suit in O.S.No.373 of 2002, pending on the file of the Principal District Munsif, Karur as against the counter party, which is pending.

7.Recording the submission made by the fourth respondent and since the entire matter relates to civil in nature the Writ Petition is closed. However, the fourth respondent is directed not to interfere with the civil dispute between the petitioner and the counter party. No costs.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The superintendent of police
Karur District, Karur.

2.The Deputy Superintendent of Police,
Karur Sub Division, Karur.

3.The Inspector of Police
Karur Town Police Station,

Karur.

<https://hcservices.ecourts.gov.in/hcservices/>



4.The Sub Inspector of Police
Karur Town Police Station
Karur District.

5.The Additional Public Prosecutor
Madurai Bench of Madras High Court
Madurai.

+1 CC to Mr.K.K.SAMY, Advocate (SR-89591[F] dated 26/09/2019)

+1 CC to Mr.D.ANBARASU, Advocate (SR-89637[F] dated 26/09/2019)

W.P. (MD) No.24072 of 2018
24.09.2019

Ls

VB(21.10.2019) 4P 8C