IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.07.2020

CORAM:

THE HONOURABLE MR. JUSTICE G. K. ILANTHIRAIYAN

W.P.No.8952 of 2020

V. Prakash,
S/o. Vadivel,
Aragasanahalli Post,
Pennagaram Taluk,
Dharmapuri District. ... Petitioner

Vs

1. The Deputy Inspector of General of Police,
   Salem Range,
   Salem.

2. The Superintendent of Police,
   Dharmapuri District,
   Dharmapuri.

3. Mathiyazhagan,
   Sub-Inspector of Police,
   Perumpalai Police Station,
   Dharmapuri District.

4. Perumal,
   Sub-Inspector of Police,
   Perumpalai Police Station,
   Dharmapuri District.

5. Siva Guru,
   Sub-Inspector of Police,
   Perumpalai Police Station,
   Dharmapuri District. ... Respondents

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Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the respondents 1 and 2 to take action against the respondents 3 to 5 based on the petitioner's representation dated 20.06.2020 and prevent Katta Panchayat being conduct in the perumpalai Police Station, Perumpalai, Dharmapuri.

For Petitioner : Mr. R. Ravichandran

For R1 & R2 : Mr.M.Elumalai

Government Advocate

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O R D E R

Writ petition has been filed seeking for direction directing the respondents 1 and 2 to take appropriate action as against the respondents 3 to 5 to complete investigation on the representation of the petitioner dated 20.06.2020.

2. The learned counsel for the petitioner would submit that the petitioner had borrowed some amount as hand loan from one Elangovan and thereafter settle the same. Even after settling considerable amount, the said Elangovan demanding more interest from the petitioner. Thereafter the petitioner was enquired and threatened by the respondents 3 to 5 herein to settle the entire amount as demanded by the said Elangovan. Hence, the accused are coming to the petitioner's house and also torturing him to settle the amount to the said Elangovan.

3. Per Contra, the learned Government Advocate submitted that so far, no complaint has been received from the said Elangovan by the respondents 3 to 5 herein and that they never supported the case of Elangovan and they never threatened the petitioner at any point of time to settle the amount to the said Elangovan.

4. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

5. It is seen that there was a money dispute between the petitioner and the said Elangovan. It is also seen that so far, no complaint has been lodged by the said Elangovan as against the petitioner herein and as such the respondents 3 to 5 have no role to play as against the petitioner and that the issue between the petitioner and the said Elangovan is civil in nature.

6. Considering the above facts and circumstances, this Court directs the respondents 3 to 5 herein not to interfere with the civil dispute between the petitioner and the said Elangovan. At the same time, if any complaint is lodged by the said Elangovan with an allegation of cognizable offence, the respondents 3 to 5 are at liberty to take appropriate action as against the petitioner herein.

7. with the above direction, the writ petition is disposed of.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

SSI

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To

1. The Deputy Inspector of General of Police,
   Salem Range,
   Salem.

2. The Superintendent of Police,
   Dharmapuri District,
   Dharmapuri.

3. The Public Prosecutor,
   High Court, Madras.

W.P.No.8952 of 2020

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