

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2020

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.13260 of 2020

Benjamin Jacob,
H.R.Executive/Manager,
Vijay Raja Thirumana Mandapam,
Unit of Vijay Raja Homes Private Ltd.,
Old No.2/322, New No.2/351,
Medavakkam Main Road, Kovilambakkam,
Chennai-600 117.Petitioner

Vs.

- 1.The Secretary to Govt.,
Department of Home,
Secretariat,
Chennai-9.
- 2.The Director General of Police,
Kamarajar Salai,
Chennai.
- 3.The Inspector of Police,
Pallikaranai Police Station,
Chennai-600 100.
- 4.D.Selvaraj Kumar,
No.2, Devi Illam, 5th Cross Street,
Dhandeeswaram,
Velachery,
Chennai-600 042.Respondent

PRAYER: Writ Petition filed under under article 226 of the Constitution of India praying for Writ of Mandamus forbearing the third respondent from interfering in the civil dispute between the petitioner and the fourth respondent.

For Petitioner : Mr.S.Jaganathan

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

ORDER

This petition has been filed for direction directing the third respondent not to interfere with the civil dispute pending between the petitioner and the fourth respondent herein.

2. The learned counsel for the petitioner would submit that the petitioner is running the marriage hall in the name of M/s. Vijaya Raja Thirumana Mandapam. Before Covid-19 circumstances, the fourth respondent booked the marriage hall for the marriage to be conducted to his daughter. Due to Covid-19, the marriage did not held and as such, the fourth respondent lodged a complaint before the third respondent to return back the money which was paid to the petitioner. After receipt of the amount from the fourth respondent, the petitioner paid GST and other dues to the authorities concerned. Though the petitioner is ready and willing to return back the money, after deducting the dues to the revenue officials, the fourth respondent did not accept the same. Now, the fourth respondent with the influence of the third respondent threatened the petitioner and demanded the entire money which was deposited by the fourth respondent. Therefore, the entire allegations are civil in nature and even then, the third respondent is now harassing the petitioner and demanding the petitioner to return back the entire amount. In fact the petitioner is already filed a direction petition before this Court in Crl.O.P.No.12759 of 2020 for not to harass. Even then, the third respondent is now interfering with the civil dispute pending between the petitioner and the fourth respondent.

3. The learned Additional Public prosecutor submitted that on the complaint received from the fourth respondent as well as one more complaint from the other victim, they were issued C.S.R.Nos.312 and 313 of 2020 for enquiry. The petitioner was called for enquiry after issuing summons as directed by this Court in Crl.O.P.No.12759 of 2020. Immediately, the petitioner approached this Court by way of this Writ Petition without even attending the enquiry as directed by this Court. He further submitted that the third respondent never interfered with any civil dispute pending between the petitioner and the fourth respondent. Insofar as the complaint received from the fourth respondent and another complainant, the third respondent is now conducting the enquiry.

4. Heard the learned counsel for the petitioner and the learned Additional Public prosecutor for the respondents.

5. It is seen that the fourth respondent had deposited the amount for the marriage to be conducted in the marriage hall owned by the petitioner. Due to Covid-19, the marriage was not taken place and as such the fourth respondent

requested the petitioner to return back his money. In fact another person also deposited the amount and asked for return of the amount deposited by him. When the petitioner refused to return back the entire amount, the fourth respondent lodged the complaint before the third respondent herein. On receipt of the same, the fourth respondent as well as another complainant were issued CSR.Nos.312 and 313 of 2020. While pending enquiry, the petitioner approached this Court in Crl.O.P.No.12759 of 2020 for not to harass. This Court directed the third respondent to issue summons to the petitioner and thereafter conduct enquiry. As directed by this Court, the third respondent issued summons and even then the petitioner without appearing before the third respondent approached this Court by way of this Writ Petition.

6. According to the learned counsel for the petitioner, the petitioner attended the enquiry and the third respondent compelled the petitioner to settle the entire amount without deducting the tax dues by the petitioner. Admittedly, now the enquiry is pending on the complaint lodged by the fourth respondent along with the complaint of another victim on the file of the third respondent herein. Therefore, the petitioner is directed to appear before third respondent for enquiry. In the enquiry, if the third respondent found any cognizable offence made out as against the petitioner, the third respondent is directed to proceed with the complaint in accordance with law. If no cognizable offence is made out on the complaint lodged by the fourth respondent, the third respondent is directed not to interfere with the civil dispute pending between the petitioner and the fourth respondent.

7. With the above direction, this Writ Petition is disposed of.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mpa

To

1.The Secretary to Govt.,
Department of Home,
Secretariat,
Chennai-9.

2.The Director General of Police,
Kamarajar Salai,
Chennai.

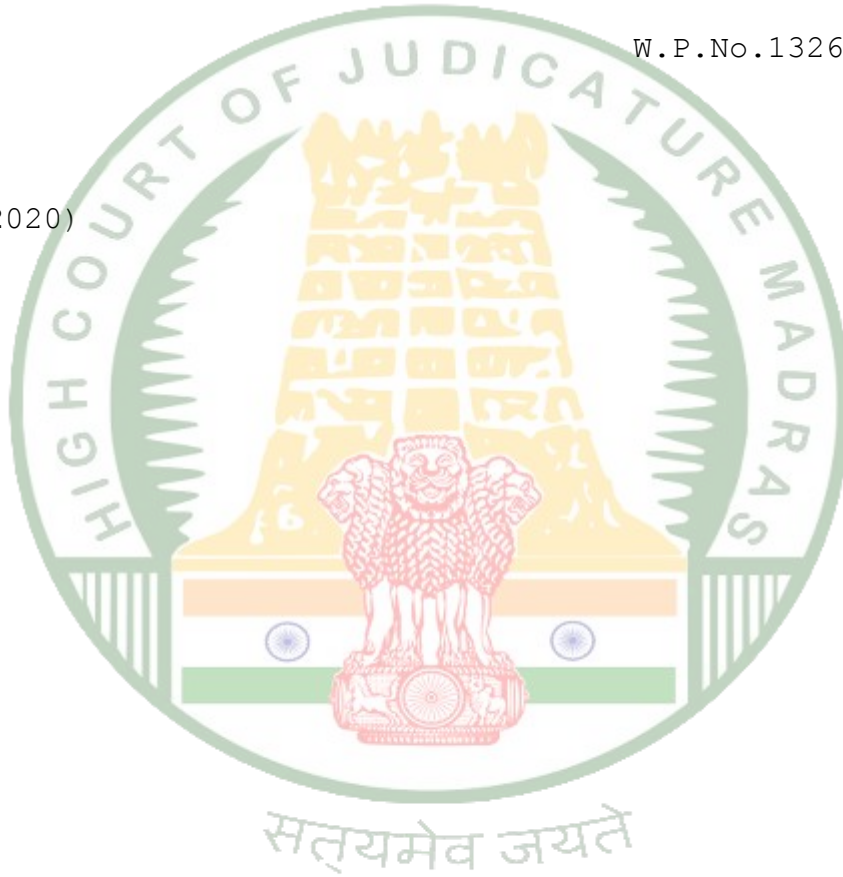
3.The Inspector of Police,
Pallikaranai Police Station,
Chennai-600 100.

4.The Public Prosecutor,
High Court,
Madras.

+lcc to Mr.S.Jaganathan, Advocate, SR.No.31039

W.P.No.13260 of 2020

NMI (CO)
RN(19/10/2020)



WEB COPY