



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.02.2020

CORAM:

THE HONOURABLE **MR.JUSTICE A.D.JAGADISH CHANDIRA**

W.P. (MD)No.4038 of 2020

M.Raj

: Petitioner

Vs.

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

2.The Inspector of Police,
District Crime Branch,
Tirunelveli District.

3.The Inspector of Police,
Cheranmahadevi Police Station,
Cheranmahadevi, Tirunelveli District.

4.Ramprasath

: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus, to direct the respondents 1 to 3 not to interfere in the civil dispute in O.S.No.10 of 2020 on the file of the learned District Munsif cum Judicial Magistrate, Cheranmahadevi between the petitioner and the fourth respondent in pursuant to the petitioner's representation dated 20.02.2020.

For Petitioner : Mr.V.Kathirvelu,
Senior Counsel
for R.Maheswaran

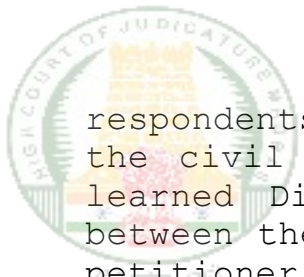
For R1 to R3 : Mrs.S.Bharathi,
Government Advocate(Crl.side)

For R4 : Mr.R.Anand

ORDER

This writ petition has been filed to direct the respondents 1 to 3 not to interfere in the civil dispute in O.S.No.10 of 2020 on the file of the learned District Munsif cum Judicial Magistrate, Cheranmahadevi between the petitioner and the fourth respondent in pursuant to the petitioner's representation dated 20.02.2020.

<https://hcservices.courts.gov.in/hcservices> 2.The learned counsel for the petitioner would submit that the



respondents 1 to 3 are unnecessarily and illegally interfering in the civil suit in O.S.No.10 of 2020 pending on the file of the learned District Munsif cum Judicial Magistrate, Cheranmahadevi between the petitioner and the fourth respondent and harassing the petitioner.

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3.The learned counsel appearing for the fourth respondent would submit that the fourth respondent had given a complaint on 19.01.2020 to the Inspector of Police, Cheranmahadevi Police Station. While enquiry was pending enquiry, the petitioner had approached this Court by filing anticipatory bail petition and later it had been withdrawn. While disposing of the anticipatory bail petition, this Court directed the Inspector of Police, Cheranmahadevi to forward the papers to the District Crime Branch, Tirunelveli to take action in accordance with law. Only after the orders of this Court on 03.02.2020, the petitioner has filed O.S.No.10 of 2020 on 06.02.2020. Now the complaint has been forwarded to the second respondent, who is the present investigating agency. The petitioner had filed the suit subsequent to the reference from this Court and the present suit has been filed to pre-empt the police from taking action.

4.The learned Government Advocate(Crl.side) would submit that the fourth respondent has preferred a complaint before the Inspector of Police, Cheranmahadevi Police Staion. While complaint was pending enquiry, the petitioner and one T.V.Mani have approached this Court by filing anticipatory bail in Crl.O.P. (MD)No.1142 of 2020. On 03.02.2020, the petition had been withdrawn. While disposing of the anticipatory bail petition, this Court directed the Inspector of Police, Cheranmahadevi, Tirunelveli District to forward the papers to District Crime Branch, Tirunelveli. The papers have been received by the second respondent, who has now initiated enquiry. She would submit that neither the second respondent nor the first and third respondents are interfering in the civil dispute in O.S.No.10 of 2020, which is now pending on the file of the learned District Munsif cum Judicial Magistrate, Cheranmahadevi.

5.Recording the submission made by the learned Government Advocate(Crl.side) that the respondent police are not interfered in the civil dispute in O.S.No.10 of 2020 pending on the file of the learned District Munsif cum Judicial Magistrate, Cheranmahadevi, this writ petition stands closed. The second respondent shall conduct the enquiry, in accordance with the guidelines laid down in the decision of the Hon'ble Supreme Court in **Lalita Kumari Vs. Government of Uttar Pradesh and others [2014 (2) SCC (1)]** and take further action in accordance with law.



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6. With the above observations, this Writ Petition stands closed. No costs.

Sd/-

Assistant Registrar (CS-II)

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Sub Assistant Registrar (CS)

gns
To

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

2. The Inspector of Police,
District Crime Branch,
Tirunelveli District.

3. The Inspector of Police,
Cheranmahadevi Police Station,
Cheranmahadevi, Tirunelveli District.

+1 CC to MR.R.MAHESHWARAN, Advocate (SR-9016[F] dated
27/02/2020)

+1 CC to MR.P.SAMUEL GUNASINGH, Advocate (SR-9073[F] dated
28/02/2020)

W.P. (MD) No.4038 of 2020
27.02.2020

KM (12.06.2020) 3P 6C