



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **30.09.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **R.PONGIAPPAN**

W.P.[MD]No.13212 of 2020

Muthuvel

... Petitioner

Vs.

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

2.The Inspector of Police,  
Vattathikottai Police Station,  
Thanjavur District.

... Respondents

PRAYER : This Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus, directing the second respondent police to make appropriate investigation on the petitioner's complaint dated 13.08.2020 in C.S.R.No.360 of 2020 and on the basis of the petitioner's representation dated 20.08.2020.

For Petitioner : Mr.S.Deenadhayalan

For Respondents : Mr.S.Chandrasekar

Additional Public Prosecutor

**O R D E R**

The petitioner filed this writ petition praying for issuance of a writ of mandamus directing the second respondent police to make appropriate investigation on the petitioner's complaint dated 13.08.2020 in C.S.R.No.360 of 2020 and on the basis of the petitioner's representation dated 20.08.2020.

2.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3.Today, when the petition is taken up for hearing, the learned Additional Public Prosecutor appearing for the respondents, on instructions, would submit that the second respondent herein had already considered the complaint dated 13.08.2020 in C.S.R.No.360 of 2020 along with the complaint given by the rival parties against the petitioner herein and made a recommendation to the Sub Divisional Magistrate, Pattukkottai, for initiating an enquiry under Section 107 Cr.P.C. He would further submit that upon the recommendation made by the second respondent, the Sub Divisional Magistrate, Pattukkottai, had also initiated an enquiry under Section 107 Cr.P.C., in which, the petitioner was arrayed as ' B ' party. The said submission is recorded.



4.Now on considering the facts and circumstances of the case, it is not in dispute that in earlier, in respect to the same issue, a suit has been filed by one Ayyakannu against the petitioner and the same is pending before the learned District Munsif, Pattukkottai in O.S.No.26 of 2019. Therefore, only by considering that the dispute having by the petitioner with the rival parties, which is civil in nature, in earlier occasion, the second respondent had not taken any appropriate criminal action. In otherwise, he would properly made a recommendation to the Sub Divisional Magistrate, Pattukkottai, for taking action under Section 107 Cr.P.C. Therefore, in the said circumstances, no further order is necessary in this writ petition.

5.With the above observation, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cp

**Note :**In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

**To:**

- 1.The District Munsif,  
Pattukkottai.
- 2.The Superintendent of Police,  
Thanjavur District,  
Thanjavur.
- 3.The Inspector of Police,  
Vattathikottai Police Station,  
Thanjavur District.

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AL(CO)

KB(12.10.2020) 2P 4C