



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.03.2020

CORAM:

THE HONOURABLE **DR. JUSTICE G. JAYACHANDRAN**

W.P. (MD).No.20516 of 2016

WEB COPY

B.A.Bahaudeen

... Petitioner

Vs.

1.The Commissioner of Police,
Trichy City,Trichy.

2.The Assistant commissioner of Police,
Anti Land Grabbing Special Cell,
Trichy City,Trichy District.

3.The Inspector of Police,
Anti Land Grabbing Special Cell,
Trichy City,Trichy District.

4.Ribayan Suban

... Respondents

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, by forbearing the second respondent with interfere in the civil dispute in respect of S.F.Nos.339/3 and 342 situated at Kottapattu Village, Trichy District on the basis of the petitioner's representation dated 13.10.2016.

For Petitioner	: Mr.M.Subash Babu
For Respondents	: Mr.S.Chandrasekar
1 to 3	Additional Public Prosecutor
For 4 th Respondent	: Mr.E.Mareeskumar
	for M/S.Ajmal Associates

O R D E R

This writ petition has been filed forbearing the second respondent from interfering civil dispute in respect of S.F.Nos.339/3 and 342 situated at Kottapattu Village, Trichy District on the basis of the petitioner's representation dated 13.10.2016.

2.According to the petitioner, the above said property belonging his family. On 17.09.1998, the family members executed a general power of attorney deed in favour of one Abdul Shabik and the said Abdul shabik had formed plots and sold to the third parties. The fourth respondent herein purchased three plots from the power of attorney. Before the execution of the sale deed Abdul



Sahib/ Power of attorney died. This was not brought to the notice of the family members of the petitioner and the petitioner herein. After the demise of the said Abdul Shabik, the family members of the petitioner executed another power of attorney in favour of one Gomathi and Syed Abuthahir on 15.10.2007, not being aware of the agreement entered by the erstwhile power of attorney/ Abdul Shabik with the fourth respondent. In this regard, the suit has also been filed and pending before the District Munsif Court, Trichirapalli in O.S.No.915 of 2011. While so, for the very same property after 10 years criminal complaint has been given by the fourth respondent. Based on their complaint, the second respondent tried to interfere in the civil dispute.

3.The counter filed by the second respondent reveals that the civil suit filed by the petitioner herein against the complainant / fourth respondent has only to give a civil colour to prevent criminal case for forgery and cheating. Since prima facie case of the criminal offences of forgery, cheating and criminal breach of trust were made out, summon was issued to the petitioner and others to appear and participate in the enquiry. On 08.04.2016 the complainant and the accused persons were present and agreed to settle the matter amicably. The petitioner and his family members have agreed to pay a sum of Rs.25,00,000/- to the complainant/fourth respondent herein based on this, complaint given by Abdulsabhan has been withdrawn.

4.The learned counsel appearing for the fourth respondent would submit that though the complaint was closed on the undertaking given by the petitioner and his family members, on agreement to pay Rs.25,00,000/-. So far they have not paid the money.

5.As far as the present writ petition is concerned, since police has closed the complaint, nothing survives. Hence, the writ petition is dismissed as infructuous. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsg

To:

1.The Commissioner of Police,
Trichy City,
Trichy.

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



2.The Assistant commissioner of Police,
Anti Land Grabbing Special Cell,
Trichy City,
Trichy District.

3.The Inspector of Police,
Anti Land Grabbing Special Cell,
Trichy City,
Trichy District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.M.SUBASHBABU, Advocate (SR-12502[F] dated 19/03/2020)
+1 CC to M/s.AJMAL ASSOCIATES, Advocate (SR-12396[F]

W.P. (MD) .No.20516 of 2016
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SMA/01/06/2020/3P/7C