



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.02.2020

CORAM:

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

Writ Petition (MD) No. 26138 of 2019

Palanisamy

... Petitioner

Vs.

1. The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul District.
2. The Superintendent of Police,
Office of the Superintendent of Police,
Trichy District.
3. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Nilakottai, Dindigul District.
4. The Inspector of Police,
District Crime Branch,
Dindigul.
5. The Inspector of Police,
(Serious Offences Wing-II),
District Crime Branch,
Trichy District.
6. Pradeepkumar
SV Constructions,
No. 48, Raja Sr. Muthuaiah Street,
Ellish Nagar, 100 feet Bye-pass Road,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus, to direct the respondents No. 1 to 5 not to interfere with the civil dispute relating to the construction of rest room building at Trichy-Dindigul Road, Ponnambalampatti Tollgate and Nilakkottai Tollgate between me and 6th respondent and protect the petitioner's right by considering his representation dated 30.11.2019.



For Petitioner : Mr.D.S.Haroon Rasheed
For R1 to R5 : Mrs.S.Bharathi,
Government Advocate (Crl.side)
For R6 : Mr.B.Vinothbalan

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ORDER

This writ petition has been filed seeking for a direction to the respondents No.1 to 5 not to interfere with the civil dispute relating to the construction of rest room building at Trichy-Dindigul Road, Ponnambalampatti Tollgate and Nilakkottai Tollgate between the petitioner and the 6th respondent and protect the petitioner's right by considering his representation dated 30.11.2019.

2.Heard the learned counsel appearing for the petitioner, the learned Government Advocate (Crl.Side) appearing for the respondents 1 to 5 and the learned counsel appearing for the sixth respondent.

3.The learned counsel for the petitioner would submit that in the guise of enquiry, the respondents are forcing the petitioner to settle a commercial dispute under the threat of arrest.

4.Today, when the matter is taken for hearing, the learned Government Advocate (Crl.side), on instructions, would submit that based on the representation given by the sixth respondent, enquiry has been initiated in Current Paper No.384/Inspr/DSP/DCB/DGL/2019, dated 26.11.2019 by the fourth respondent. She would further submit that the fourth respondent has sent summons to the petitioner for appearance on 02.12.2019. However, due to the pendency of this writ petition, the petitioner has not appeared.

5.The petitioner is directed to co-operate with the police for enquiry and at the time of conducting of the enquiry, the petitioner shall not be harassed by the police. The police cannot call the petitioner on a regular basis in the guise of enquiry without even registering an FIR and Supreme Court of India in ***Lalitha Kumari Vs. Government of Uttar Pradesh*** reported in **2013 (6) CTC 353** has enumerated the nature of cases where preliminary enquiry can be conducted and has also restricted the period, for which preliminary enquiry can be conducted. During the course of enquiry, if any cognizable offence is made out, the concerned Inspector of Police is free to register an FIR.



6. With the above observations, this writ petition stands disposed of. No costs.

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Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ / 2020

Sub Assistant Registrar (CS)

sjj

To

1. The Superintendent of Police,
Office of the Superintendent of Police,
Dindigul District.
2. The Superintendent of Police,
Office of the Superintendent of Police,
Trichy District.
3. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Nilakottai, Dindigul District.
4. The Inspector of Police,
District Crime Branch,
Dindigul.
5. The Inspector of Police,
(Serious Offences Wing-II),
District Crime Branch,
Trichy District.

+1 CC to M/s. B. VINOTH BALAN, Advocate (SR-5692[F] dated 11/02/2020)

+1 CC to M/s. D. S. HAROON RASHEED, Advocate (SR-5726[F] dated 11/02/2020)

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pk (CO)

TR (03.03.2020) 3P 8C