

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.2147 of 2021

and

WMP.No.2426 of 2021

Small Scale Industry Development
and Training Union,

Rep. by its Secretary P.Kannan,
At Door 3, 202A, Sellakuttipalayam,
Chettipalayam, Bhavani Taluk,
Erode District 638 455.

... Petitioner

Vs.

1.District Superintendent of Police,
Erode District,
Gandhiji Road, Marapalam,
Erode.

2.Deputy Superintendent of Police,
Gobichettipalayam,
Gobichettipalayam Taluk,
Erode District.

3.Inspector of Police,
Kavandhapadi Police Station,
Bhavani Taluk,
Erode District.

... Respondents.

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Mandamus, forbearing the respondents from unlawfully interfering with the functions of the Petitioner Society in providing agricultural services and goods to the farmers at below the market price cost.

For Petitioner : Mr.M.Roshan Atiq

For Respondents : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor.

O R D E R

This Writ Petition has been filed for the issue of Writ of Mandamus forbearing the respondents Police not to interfere with the functioning of the petitioner Society.

2.It is seen from records that an F.I.R.came to be registered in Crime No.6 of 2018 against the Secretary of the Society, who has filed this writ petition and also against one Manoj Kumar, who are said to have received a total sum of Rs.34,80,000/- from 15 persons in the guise of getting them job opportunities in the Society. The investigation has been completed and a final report has also been filed before the learned Judicial Magistrate No.II, Erode and it has been taken on file in C.C.No.216 of 2019.

3.The grievance of the petitioner is that in the guise of investigation in the above case, the third respondent is virtually stopping the Society from carrying on with its day-to-day activities and therefore left with no other alternative, the present writ petition has been filed before this Court.

4.Per contra, the learned Additional Public Prosecutor appearing on behalf of the respondents vehemently contended that the petitioner wants to stall the investigation indirectly by filing the present writ petition and the third respondent did not in any way involve in stalling the activities of the Society and he was only doing his duty as an Investigating Officer. The learned Additional Public Prosecutor further submitted that the matter involves certain serious allegations that were made against the petitioner and the petitioner in order to avoid facing criminal proceedings, has chosen to approach this Court by adopting an ingenious way to stop the proceedings.

5. In the considered view of this Court, the investigation that was conducted cannot amount to interfering with the functioning of the Society. Considering the seriousness of the allegations, the third respondent has to necessarily come to the Society and take the statements of the witnesses. Now, the case has reached the stage of trial before the concerned Court and it is for the petitioner to go and participate in the trial and defend himself. This Court is not inclined to issue any positive directions against the third respondent and any directions issued by this Court, can indirectly interfere with the criminal proceedings.

6.In view of the above, this Court finds no merits in this case and accordingly the same is dismissed. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (C.O.)

/True Copy/

Sub Assistant Registrar

To

- 1.The District Superintendent of Police,
Erode District,
Gandhiji Road, Marapalam,
Erode.
- 2.The Deputy Superintendent of Police,
Gobichettipalayam,
Gobichettipalayam Taluk,
Erode District.
- 3.The Inspector of Police,
Kavandhapadi Police Station,
Bhavani Taluk,
Erode District.
- 4.The Public Prosecutor,
High Court, Madras.

AKM/23.2.21 /3P-5C/

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