

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.3902 of 2021

S.Thaignarajan

... Petitioner

vs.

State rep. By its
The Inspector of Police,
C-2, Elephant Gate Police Station,
Chennai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to set aside relating to the Police Notice in C.S.R.No.57/c2ps/L&O/2020 dated 22.10.2020 the same as illegal.

For Petitioner : Mr.Sivakumar
for M/s.S.Sarath Chandran

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

ORDER

This petition has been filed challenging the impugned notice issued by the respondent Police.

2. It is seen from records that there is already a civil dispute among the parties, which is pending before this Court in CS No.227 of 2016 and this Court has already passed an order of interim injunction.

3. It looks like the contesting party has given a representation to the respondent police and the respondent Police has now issued a Police notice to the parties to maintain "Status quo". The respondent has gone ahead and issued such a notice inspite of being aware of the fact that there is a civil suit pending before this Court and that this Court has already granted an order of interim injunction. In the considered view of this Court, this is the height of over reach to which the Police has gone in this case. The Police must know their limits and they should understand that they cannot issue directions

like a Civil Court to the parties to maintain Status-quo. It is beyond their jurisdiction and in a case of this nature, the Police should not even be coming into the scene.

4. In view of the above, this Court has absolutely no hesitation to interfere with the impugned police notice issued by the respondent Police and accordingly the same is hereby quashed and this Criminal Original Petition is allowed. It is made clear that this order will not stand in the way of the parties agitating their rights in the pending suit and working out their remedy in accordance with law.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

jv

To

1. The Inspector of Police,
C-2, Elephant Gate Police Station,
Chennai.
2. The Public Prosecutor,
High Court of Madras,
Chennai 600 104.

+1 cc to M/s.S.Sarath Chandran, Advocate Sr.No. 11950

Cr1.O.P No.3902 of 2021

AAB (CO)
RMP (18/03/2021)

सत्यमेव जयते

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