

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

W.P.No.9668 of 2021

Dr.K.Makudamudi

...Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Ulundurpet Sub - Division,
Kallakurichi District.

3.The Inspector of Police,
District Crime Branch,
Kallakurichi,
Kallakurichi District.

4.D.Mani

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent Nos.1 to 3 not to harass the petitioner considering his representation dated 26.02.2021.

For Petitioner : Mr.K.C.Karl Marx

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

O R D E R

This Writ Petition has been filed directing the respondent Nos.1 to 3 not to harass the petitioner considering his representation dated 26.02.2021.

2.The learned counsel appearing for the petitioner submitted that the petitioner is the Managing Trustee of the Dr.R.K.Shanmugam, Educational Trust. The fourth respondent has not maintained the accounts property. Hence, the fourth respondent and his wife were removed by a resolution. Even

thereafter, he is interfering in the Trust activities and giving several false complaint to the various authorities causing hardship to the petitioner.

3.Hence the petitioner filed a Writ Petition in W.P.No.6191 of 2021 seeking direction not to harass him. When the case came for admission on 11.03.2021, the learned Additional Public Prosecutor represented that neither a case was registered nor a petition enquiry is pending against the petitioner. Recording the said submissions, the writ petition was closed.

4.But now he has been called for enquiry by the District Crime Branch on the complaint made by the fourth respondent to the Director General of Police on 10.10.2020 and against on 03.01.2021.

5.It is also seen that the fourth respondent had filed the complaint one after another before various officials for taking the trust. Now enquiry has been conducted by the Deputy Superintendent of Police, Kallakurichi and the enquiry report has been submitted before the Superintendent of Police, Kallakurichi.

6.Considering the above said submission, this court feels that the Deputy Superintendent of Police is directed to complete the investigation and not to cause any harassment to the petitioner or to the members of the trust with whom the fourth respondent got some grievances. Taking into consideration that if no offence is made out and proved that the nature of the dispute involved in this case is civil in nature, it is for the parties to adjudicate the same before the appropriate Civil Court and appropriate steps would be taken if he indulge in any such activities. The respondent Police will have no role to play in a case of this nature. Therefore, the Police is not entitled to interfere with the civil dispute.

7.Accordingly, this Criminal Original Petition is disposed of with the above said direction.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

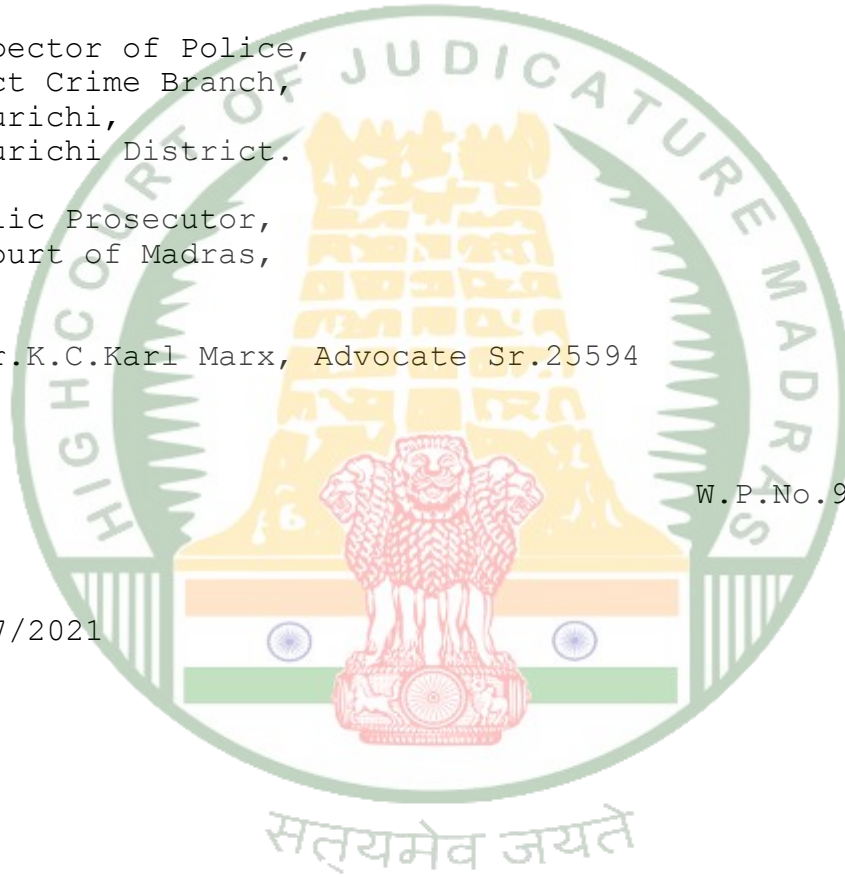
ah

To

- 1.The Superintendent of Police,
Kallakurichi District,
Kallakurichi.
 - 2.The Deputy Superintendent of Police,
Ulundurpet Sub - Division,
Kallakurichi District.
 - 3.The Inspector of Police,
District Crime Branch,
Kallakurichi,
Kallakurichi District.
 - 4.The Public Prosecutor,
High Court of Madras,
Madras.
- +1cc to Mr.K.C.Karl Marx, Advocate Sr.25594

W.P.No.9668 of 2021

um[col]
srg 08/07/2021



WEB COPY