



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE :13.09.2021

CORAM:

THE HON'BLE MR JUSTICE G.ILANGOVAN

W.P. (MD)No.9978 of 2021

and

WMP (MD)No.7694 of 2021

Simon Chandrasekar

... Petitioner

Vs.

1.The Director General of Police,
Office of the Director General of Police,
Dr Radhakrishnan Salai,
Chennai - 600 004.

2.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai City.

3.The Inspector of Police,
Mattuthavani Police Station,
Madurai.

4.The Inspector of Police,
City Crime Branch Police,
Madurai.

5.S.Nachiappan

... Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India for issuance of a **Writ of Mandamus**, directing the first respondent to pass an appropriate order to the respondents 2 to 4 not interfere with the civil dispute, in view of the petitioner's representation, dated 30.05.2021, within the time stipulated by this Court.

For Petitioner : Mr.Pon Karthikeyan
For R1 to R4 : Mr.R.M.Anbunithi
Additional Public Prosecutor

For R5 : Mr.N.Mari Muthu

O R D E R

This writ petition is filed seeking direction to direct the first respondent to pass an appropriate order to the respondents 2 to 4 not interfere with the civil dispute, in view of the petitioner's representation, dated 30.05.2021.



2. When the matter was taken up hearing, on 24.06.2021, the learned Additional Public Prosecutor has submitted that on the basis of the complaint given by the fifth respondent, enquiry was undertaken and it was closed on the ground that it is purely a civil dispute.

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3. But, however, learned counsel for the petitioner has submitted that another complaint given by the fifth respondent is pending before the fourth respondent herein. On that ground, matter has been listed today for getting instruction from the fourth respondent.

4. When the matter taken up hearing today, the learned Additional Public Prosecutor would submit that the complaint came to be closed by observing that it is civil in nature.

5. The learned counsel appearing for the fifth respondent would submit that he was not even enquired by the official respondents over his complaint. He was admitted in the hospital and so, he could not appear before the Enquiry Officer. But, however, it came to be closed.

6. Whatever it may be, the disputed fact cannot be gone into in this petition. Since the complaint, made by the fifth respondent is closed, he has to work out his remedy, through appropriate proceedings, before the appropriate Court.

7. This petition is filed by the petitioner seeking a direction not to harass him. In this matter, the fifth respondent cannot make any complaint that it may not be properly enquired. As mentioned above, the fifth respondent has to work out his remedy through appropriate proceedings before the appropriate Court.

8. Since the complaint has been closed, nothing survives for further consideration in this petition.

9. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

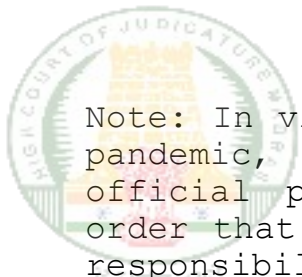
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Sub Assistant Registrar(CS)

dss

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



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

WEB COPY

To

- 1.The Director General of Police,
Office of the Director General of Police,
Dr Radhakrishnan Salai, Chennai - 600 004.
- 2.The Commissioner of Police,
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Madurai City.
- 3.The Inspector of Police,
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- 4.The Inspector of Police,
City Crime Branch Police,
Madurai.

+1 CC to M/s.R.PONKARTHIKEYAN, Advocate (SR-29041[F] dated 14/09/2021)

+1 CC to M/s.N.MARIMUTHU, Advocate (SR-28915[F] dated 14/09/2021)

W.P. (MD)No.9978 of 2021
and WMP(MD)No.7694 of 2021
13.09.2021

MGJ(28.09.2021) 3P 7C