



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **28.09.2021**
CORAM
THE HONOURABLE MR.JUSTICE **G.ILANGOVAN**

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W.P. (MD) No.16477 of 2021
and
CrI.O.P. (MD) Nos.10281 and 10371 of 2021

In W.P. (MD) No.16477 of 2021

Nagarajan .. Petitioner
Vs

1.The Inspector of Police,
Subramaniyapuram Police Station,
Madurai.

2.Angammal

3.S.Nanthakumar

4.Sugimathi

5.S.Saanthakumar

6.Poomari

7.Senthamarai Shiyamala Devi

8.Vijaya Bharathi ... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, to direct the 1st respondent to take action upon the petitioner's representation dated 16.06.2021.

For Petitioner : Mr.V.Santhakumaresan

For R1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

In CrI.O.P. (MD) No.10281 of 2021

1.Sugimathi

2.S.Saanthakumar



3.Poomari

Vs.

... Petitioners

1.The Inspector of Police,
Subrmaniyapuram Police Station,
Madurai.

... 1st Respondent/Complainant

2.Nagarajan

... 2nd Respondent/ Defacto
Complainant

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the 1st respondent not to interfere with the civil dispute supporting the 5th defendant in O.S.No.679 of 2021 on the file of the III Additional Subordinate Court, Madurai District.

For Petitioners : Mr.P.Palani

For R1 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

For R2 : Mr.V.Santhakumaresan

In Cr1.O.P. (MD) No.10371 of 2021

1.Sugimathi

2.S.Saanthakumar

3.Poomari

... Petitioners

Vs.

1.The Inspector of Police,
Subrmaniyapuram Police Station,
Madurai.

... 1st Respondent/Complainant

2.Angammal

3.Senthamarai Shiyamala Devi

4.C.Vijaya Bharathi

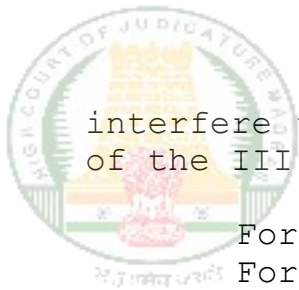
5.S.Nandakumar

6.Nagarajan

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the 1st respondent not to

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interfere with the civil dispute in O.S.No.679 of 2021 on the file of the III Additional Subordinate Court, Madurai District.

For Petitioners

: Mr.P.Palani

For R1

: Mr.R.Meenakshi Sundaram

Additional Public Prosecutor

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COMMON ORDER

W.P.(MD) No.16477 of 2021 has been filed seeking direction to the 1st respondent to take action upon the petitioner's representation dated 16.06.2021.

2.Even though writ of mandamus for such relief may not lie, the learned Additional Public Prosecutor would submit that based upon the complaint given by this petitioner in W.P.(MD) No.16477 of 2021, enquiry was undertaken by assigning CP.No.1041/PG/Camp/DC-L&O/MC/2021. However, the private respondents in W.P.(MD) No.16477 of 2021 have not appeared before the Enquiry Officer and cooperated with him to complete the enquiry.

3.Crl.O.P.(MD) Nos.10281 and 10371 of 2021 have been filed by the counter petitioners, namely, Sugimathi, S.Saanthakumar and Poomari. These petitions have been filed seeking direction to the 1st respondent not to interfere in the civil dispute.

4.Reading of the complaint shows that there are specific allegation against the counter petitioners regarding assault, damage and etc. So, that has to be properly enquired. For that purpose, the counter petitioners have to be appeared before the Enquiry Officer and cooperated with him to complete the enquiry.

5.Since the grievance of the petitioner in W.P.(MD) No.16477 of 2021 has been redressed by assigning CP.No.1041/PG/Camp/DC-L&O/MC/2021 and conducting enquiry also, the prayer sought for in W.P.(MD) No.16477 of 2021 has now become infructuous.

6.Insofar as Crl.O.P.(MD) Nos.10281 and 10371 of 2021 are concerned, the petitioners are directed to appear before the Enquiry Officer and cooperate with him to complete the enquiry. If any trouble arises in future during the course of investigation, they are at liberty to workout their remedy before the appropriate forum through appropriate proceedings. Without appearing before the Enquiry Officer, the complainants cannot state that they have been harassed. It is admitted by both the parties that in respect of the civil dispute, a suit in O.S.No.679 of 2021, which was filed by the counter petitioners for partition, is pending before the file of the III Additional Subordinate Court, Madurai District.

7.In the result,

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



i) W.P.(MD) No.16477 of 2021 is disposed of as infructuous.
No costs.
ii) Crl.O.P.(MD) Nos.10281 and 10371 of 2021 are disposed of
as infructuous.

Sd/-

Assistant Registrar (CRL)

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/ /2021

Sub Assistant Registrar(CS)

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To

- 1.The Inspector of Police,
Subramaniyapuram Police Station,
Madurai.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

COPY TO:-

The III Additional Subordinate Judge,, Madurai District.

W.P. (MD) No.16477 of 2021

and

Crl.O.P. (MD) Nos.10281 and 10371 of 2021

28.09.2021

_RD(11.10.2021) 4P 4C