



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.11.2021

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THE HONOURABLE MR. JUSTICE G.R. SWAMINATHAN

W.P. (MD) No. 20454 of 2021

WEB COPY

Krishnakumar

... Petitioner

Vs.

1. The Commissioner of Police,
Madurai City, Madurai.

2. The Inspector of Police,
B-6, Jaihindpuram police station,
Madurai.

3. Vijayalakshmi
4. Jothi

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the second respondent police herein not to harass the petitioner to vacate the house and not to interfere in the civil dispute in respect of the house situated in R.S.No.61/1, Nethaji Road, Madakulam Village, Palanganatham, Madurai.

For Petitioner : Mr.A.Mithun Chakravarthi
For R-1 & R-2 : Mr.T.Senthil Kumar,
Additional Public Prosecutor.

* * *

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for respondents 1 and 2.

2. Considering the nature of relief to be granted, issuance notice to respondents 3 and 4 is dispensed with.

3. The petitioner is none other than the son of the third respondent. The third respondent had gifted the property in question in favour of the petitioner and that due to instigation of her sister, the gift deed had later unilaterally cancelled. The petitioner is in occupation of the gifted premises. The third respondent has given a complaint before the second respondent and the second respondent is compelling the petitioner to vacate the premises. Since such action on the part of the second respondent is illegal, this criminal original petition has been filed for



forbearing the second respondent from doing so.

4. After the scrutiny of the materials on record and heard the learned counsel on either side, I am of the view that this writ petition can be disposed of in the following terms:-

"(a) The second respondent will issue written summons to the petitioner for causing his appearance before him for enquiry. There is no question of orally summoning the petitioner to the police station.

(b) The second respondent will conclude the enquiry within a period of three weeks from the date of receipt of a copy of this order.

(c) If at the end of the enquiry, cognizable offence is made out and the second respondent proposes to register any FIR, the petitioner will be given notice of the same so that the petitioner will have breathing time to move the concerned Court for the relief of anticipatory bail."

5. With these directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PMU

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.

To:

1. The Commissioner of Police, Madurai City, Madurai.
2. The Inspector of Police,
B-6, Jaihindpuram police station, Madurai.
3. The Additional Public Prosecutore,
Madurai Bench of Madras High Court, Madurai.

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