



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **17.12.2021**

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.22400 of 2021

N.Padma

... Petitioner

Vs.

1.The Superintendant of Police,
Nagercoil.
Kanyakumari District,
Kanyakumari.

2.The Deputy Superintendent of Police,
District Crime Branch,
Nagercoil.
Kanyakumari District.

3.The Inspector of Police,
District Crime Branch,
Nagercoil.
Kanyakumari District.

4.Abdul Lathif

... Respondents

Prayer: Writ Petition is filed under Article 226 Constitution of India, to issue a Writ of Mandamus, to direct the respondents 1 to 3 herein to consider the petitioner's representation dated 07.12.2021 and pass appropriate orders not to interfere with the civil dispute with respect to the property in Survey No.547/3B to an extent of 5 cents in Kanyakumari Village, Agastheeswaram Taluk, Kanyakumari District.

For Petitioner : Mr.D.Nallathambi

For Respondents : Mr.M.Veeranthiran

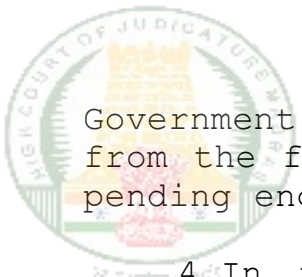
Government Advocate for R.1 to R.3

O R D E R

The petitioner alleges that the respondent police are interfering in the civil dispute between the petitioner and the fourth respondent.

2. To forebear them from doing so, this writ petition has been filed.

3. When the matter was taken up for hearing, learned



Government Advocate submitted that the complaint has been received from the fourth respondent against the petitioner and it is still pending enquiry.

4. In these circumstances, in the interest of justice, the following directions are issued:

(a) If the respondent police propose to enquire the petitioner, they will be summoned only in writing. There is no question of orally summoning the petitioner;

(b) After the petitioner appear before the jurisdictional police, enquiry will be conducted and concluded within a period of two weeks thereafter;

(c) If the jurisdictional police come to the conclusion that the issue is purely civil in nature, the complaint shall be closed; and

(d) If the police come to the conclusion that cognizable offence is made out against the petitioner, an FIR can be registered but the petitioner will be given due notice of the same, so that, they will have breathing time to move the concerned Court for the relief of anticipatory bail.

5. This Writ Petition is disposed of, accordingly. No costs.

Sd/-

Assistant Registrar (AD II)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

mga

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 Superintendent of Police,
Nagercoil.
Kanyakumari District,
Kanyakumari.

2. The Deputy Superintendent of Police,
District Crime Branch,
Nagercoil, Kanyakumari District.



3.The Inspector of Police,
District Crime Branch,
Nagercoil.
Kanyakumari District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-39632[F] dated
20/12/2021)

**W.P(MD)No.22400 of 2021
17.12.2021**

SAR(CO)
SB(06.01.2022) 3P 6C