



WEB COPY



W.P No.23926 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.10.2022

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THE HONOURABLE Ms. JUSTICE R.N.MANJULA

W.P No.23926 of 2021

Haji Ali

... Petitioner

Vs.

The Inspector of Police
T-4, Maduravoyal Police Station
Chennai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondent police not to harass the petitioner .

For Petitioner : Mr.Vidhushan
For Ms.A.Madhumathi

For Respondent : Mr.A.Damodaran
Additional Public Prosecutor

ORDER



This Writ Petition has been preferred, seeking Writ of Mandamus directing the respondent police not to harass the petitioner.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent.

3. The learned counsel for the petitioner submitted that the petitioner's father had entrusted the construction work to one Jawahar for constructing 4 shops and 4 residential portions during July 2019 and paid a sum of Rs.25,00,000/-; the father of the petitioner died on 07.07.2020 due to covid.

4. Despite several reminders were sent, Jawahar did not complete the construction and finally in July 2021, the construction was entrusted to another contractor, who completed the construction. There is a dispute between the petitioner and Jawahar with regard to the balance payment of Rs.25,38,000/- due to the alleged failure on the part of Jawahar to complete the construction within the agreed time limit.

5. The learned Additional Public Prosecutor submitted that said Jawahar has also given a complaint against the petitioner and he had



withdrawn the same subsequently, by stating that he would seek appropriate remedy before the Civil Court.

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6. The very allegation of the petitioner is that the said Jawahar instead of filing a case before the Civil Court had chosen to give a complaint, just in order to harass the petitioner. The respondent had also taken side with the said Jawahar and attempted to give a criminal colour to a civil dispute and harass the petitioner. Since the said Jawahar himself has withdrawn his complaint and chosen to seek civil remedy, there cannot be any pressure on the petitioner from the respondent in this regard. Taking into consideration of the present development, I feel that nothing remains to be considered now in this petition.

7. With this observation, this Writ Petition stands disposed of. No costs.

27.10.2022

Index : Yes/No
Speaking Order : Yes / No
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R.N.MANJULA, J.,
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To

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1. The Inspector of Police
T-4, Maduravoyal Police Station
Chennai.
2. The Public Prosecutor
High Court of Madras.

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