



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.01.2022

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P. (MD) . No. 12031 of 2019

Adhivalavan

... Petitioner

-Vs-

1. The District Collector,
Madurai District, Madurai.

2. The District Revenue Officer,
Madurai District,
Madurai - 625 007.

3. The Superintendent of Police,
Surveyor Colony, K.Pudur,
Madurai - 625 007.

4. The Deputy Superintendent of Police,
Oomatchikulam Division,
Madurai District, Madurai - 625 107.

5. The Inspector of Police,
Silaiman Police Station,
Madurai District.

6. J.Shanthi Devi

... Respondents

(R6 impleaded as per order dated 21.01.2022 in
W.M.P. (MD) No. 9621 of 2019 in W.P. (MD) No.
12031 of 2019 by Dr.GJJ)

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the fifth respondent not to interfere to the civil dispute this is totally civil in nature and also not to harass the petitioner until disposal of the suit before the District Munsif Court, Madurai in O.S. No. 141 of 2018 in I.A. No. 811 of 2018 based on his representation on 25.04.2019.

For Petitioner : Dr.K.Malathi

For Respondent

1 to 5

: Mr.P.Kottai Chamy
Government Advocate

For R6

: Mr.S.Monohan



O R D E R

The Writ Petition of mandamus is filed seeking direction to the fifth respondent not to interfere in the civil dispute which is subject matter of O.S. No. 141 of 2018.

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2. The petitioner being aggrieved by the enquiry conducted by the fifth respondent based on the complaint give by one Shanthi Devi which was registered by the fifth respondent in Crime No. 37 of 2019 under Sections 147, 294(b), 341, 448, 506(i), 379 of IPC has come before this Court, alleging that, this is a civil dispute between him and one Shanthi Devi. Therefore, the complaint given by Shanthi Devi registered in Crime No. 37 of 2019 should not be proceeded with. The petitioner claims that the complaint of Shanthi Devi should not be proceeded and it amounts to interfere with the civil dispute by the Police. In all fairness, the said Shanthi Devi ought to have been impleaded as respondent, whereas the said Shanthi Devi had not been impleaded. However, the said Shanthi Devi the de-facto complainant on knowing about the Writ Petition, had filed petition to implead and same is allowed.

3. The complaint in Crime No. 37 of 2019 under Sections 147, 294(b), 341, 448, 506(i), 379 of IPC is nothing to do with the civil dispute, since the allegations are of criminal in nature like unlawful assembly, using filthy language, wrongful restraint, criminal intimidation, theft and house trespass. It is not fairness that the petitioner herein has to participate in the enquiry and place the relevant documents before the Investigating Officer to establish his case. Already from the affidavit, it appears that the petitioner obtained anticipatory bail in the above case. By entertaining Writ Petition, Court cannot throttle the legal process of investigation.

4. Hence, the Writ Petition is dismissed with cost of Rs.10,000/- (Rupees Ten Thousand Only) payable by the petitioner to the High Court Legal Service Authority for not impleading the de-facto complainant and filing the Writ Petition with malafide intention to stop the legal process of investigation.

Sd/-

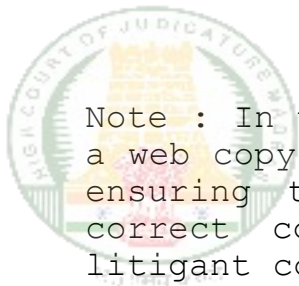
Assistant Registrar (Crl side)

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/ /2022

Sub Assistant Registrar(CS)

vji



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.

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- To
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 4. The Deputy Superintendent of Police,
Oomatchikulam Division,
Madurai District, Madurai - 625 107.
 5. The Inspector of Police,
Silaiman Police Station,
Madurai District.
 6. The Officer in Charge,
High Court Legal Service Authority,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.MANO HAR, Advocate (SR-2147[F] dated 24/01/2022)

+1 CC to M/s.K.MALATHI, Advocate (SR-2138[F] dated 24/01/2022)

**W.P. (MD) . No. 12031 of 2019
21.01.2022**

RK(11/02/2022) 3P 9C