



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.02.2022

CORAM:

WEB COPY

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.(MD)No.12994 of 2019
(Through video Conference)

A.Selvaraj

.. Petitioner

Vs.

1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

2.Mr.Selvakumar,
Inspector of Police,
Alangulam Police Station,
Tirunelveli District.

3.Anandarajan,
Sub Inspector of Police,
Alangulam Police Station,
Tirunelveli District.

4.M.Vaithilingam

.. Respondents

[R4 is impleaded vide Court order dated 21.01.2022
in W.M.P(MD)No.9902/2019]

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus, to direct the 1st respondent to take appropriate action as against the second and third respondents in the act of misusing the official power by considering the petitioner's representation, dated 31.05.2019.

For Petitioner : Mr.A.Sankararamasubramanian

For R1 to R3 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

For R4 : Mr.S.Palani Velayutham



O R D E R

This writ petition is filed seeking mandamus to direct the first respondent Superintendent of Police, Tirunelveli District, to take appropriate action against the second and third respondents, namely, Selvakumar, Inspector of Police and Anandarajan, Sub-Inspector of Police, attached to Alangulam Police Station, for alleged abuse of power. The representation of the petitioner herein, dated 31.05.2019 in substance indicates that the petitioner has some dispute with the fourth respondent, (who got impleaded) in connection with deficiency of professional service. When the petitioner demanded back the money, the fourth respondent, who is a lawyer by profession has threatened him. When this was brought to the notice of the police, the respondents 2 and 3 called the petitioner to the police station and in support of the fourth respondent, threatened the petitioner herein.

2. The learned Additional Public Prosecutor submits that the complaint of the petitioner was registered in CSR.653/2019 on 03.08.2019 and enquired. Later, it was closed as exaggerated complaint.

3. From the material placed, this Court finds that the complaint is civil and tortious in nature. The petitioner herein being aggrieved by the misconduct of the fourth respondent, has already proceeded before the Bar Council and his complaint is pending. Further, if there is sufficient material, he can proceed against the petitioner for damages before the competent Civil Court. No criminal action warrants based on the representation, dated 31.05.2019.

4. With the above observation, this writ petition stands disposed of. No Costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

PJL

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,
Tirunelveli District,
Tirunelveli.

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

W.P. (MD) No.12994 of 2019
01.02.2022

MGJ(14.02.2022) 3P 3C