



W.P(MD)No.13532 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2022

CORAM :

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P(MD)No.13532 of 2022

Krishnamoorthy

...Petitioner

Vs.

1.The Superintendent of Police,
CBCID South Zone,
Head Officer of CBCID Wing,
Chennai.

2.The Inspector of Police,
Vadipatti Police Station,
Madurai District.

3.The Inspector of Police,
CBCID Wing,
Madurai District.

4.Kannan

5.Tamilarasan

6.Mahalakshmi

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the third



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respondent police not to interfere the civil dispute against the petitioner in O.S.No.51 of 2021 pending before the VIth Additional District Court, Madurai District.

For Petitioner	: Mr.R.Udhayakumar
For Respondents 1 to 3	: Mr.M.Sakthi Kumar Government Advocate (crl.side)

ORDER

The writ petitioner filed this Writ Petition seeking for issuance of a Writ of Mandamus directing the third respondent Police not to interfere the civil dispute against the petitioner in O.S.No.51 of 2021 pending before the VIth Additional District Court, Madurai District.

2.Mr.M.Sakthi Kumar, learned Government Advocate (Criminal Side) takes notice for the respondents 1 to 3. By consent, this writ petition is taken up for final disposal at the admission stage itself.

3.The learned counsel appearing for the petitioner submitted that the petitioner is a purchaser of the property from the fourth respondent



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namely, Kannan by way of registered sale deed, dated 15.07.2019 for valid consideration. There was a dispute between the respondents 4 to 6 with regard to the sale agreement and other matters. Hence, a criminal case has been filed against the respondents 4 to 6. The petitioner is in no way connected with the criminal case between the respondents 4 to 6. He further submitted that a suit in O.S.No.51 of 2021 is filed praying for declaration and permanent injunction, against the respondents 4 to 6, is pending on the file of the VIth Additional District Sessions Court, Madurai. The police frequently summoned the petition for the enquiry. Hence, the present writ petition has been filed.

4.The learned Government Advocate (Crl. Side) appearing for the respondents 1 to 3 submitted that the enquiry is going on as per the direction of this Court in Crl.O.P.(MD).No.21123 of 2014, dated 13.05.2020. He further submitted that the respondent police did not call the petitioner for enquiry so far and no summon has been issued to the petitioner. If required, they will summon the petitioner for an enquiry or otherwise, they are not deserving the petitioner.



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5.Considering the submission and on a perusal of the records, the fact reveals that the petitioner is a purchaser of the disputed property from the fourth respondent by way of registered sale deed, dated 15.07.2019. This fact is not in dispute. Further, there was a dispute between the fifth respondent with regard to the sale agreement and a criminal case has been filed against the respondents 5 and 6 for refund of advancement by the fourth respondent. In this connection, a direction was issued by this Court in CrI.O.P.(MD).No.21123 of 2014, dated 13.05.2020 for conducting the CBCID enquiry and to find out the genuineness of the receipt, dated 31.12.2012, which is based on lodging of complaint by the second respondent, in that order. The CBCID took up the case for the enquiry. The learned Government Advocate (Crl. Side) appearing for the respondents 1 to 3 submitted that the petitioner, being subsequent purchaser of the property from the fourth respondent, so far has never been called for an enquiry. As on today, no case has been registered against the petitioner by the CBCID in connection with the above said complaint.

6.Under these circumstances and recording the submissions of the learned Government Advocate (Crl. Side), this Writ Petition is disposed



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of with a direction to the third respondent Police whenever the police required the petitioner for an enquiry, he shall cooperate and give his statement enabling the Police for completing the investigation, at the earliest.

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Index :Yes/No
Internet:Yes/No
vsg

To

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- 2.The Inspector of Police,
Vadipatti Police Station,
Madurai District.
- 3.The Inspector of Police,
CBCID Wing,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM., J

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