



WP(MD)No.21803 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.10.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD)No.21803 of 2022

T.Ganesan

... Petitioner

/vs./

1. The Superintendent of Police
Dindigul District
2. The Additional Deputy Superintendent of Police
Dindigul District
3. The Inspector of Police
Palani Nagar Police Station
Palani Taluk, Dindigul District
4. Vasanthi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondents 1 and 2 to restraint the third Respondent from interfering with the civil nature of dispute in respect of the property in S.F.No. 141/1A31A1 with an extent of 0.33.53 Hectare 85 Cents situated at Sivagiripatti Village, Palani Taluk, Dindigul District by considering the petitioners representation dated 08.09.2022 within a time that may be stipulated by this Hon'ble Court



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For Petitioner : Mr.R.Venkatesan
For R1 to R3 : Mr.R.Meenakshi Sundaram
Additional Public Prosecutor

ORDER

The Petitioner has filed the above Writ Petition to issue a Writ of Mandamus, directing the Respondents 1 and 2 to restrain the third Respondent from interfering with the civil nature of dispute in respect of the property in S.F.No. 141/1A31A1 with an extent of 0.33.53 Hectare 85 Cents situated at Sivagiripatti Village, Palani Taluk, Dindigul District by considering the petitioners representation dated 08.09.2022 within a time that may be stipulated by this Hon'ble Court

2.The learned Additional Public Prosecutor takes notice for the Respondents 1 to 3. By consent, the Writ Petition itself is taken up for final disposal.

3.Heard the learned Counsel for the Petitioner and the learned Additional Public Prosecutor appearing for the Respondents.



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4.The learned Counsel appearing for the Petitioner would submit that the civil dispute is converted as criminal case by the fourth Respondent. Therefore the Petitioner had filed this Petition seeking Writ of Mandamus restraining the third Respondent from harassing the Petitioner on the guise of criminal complaint regarding the property dispute.

5. The learned Additional Public Prosecutor by way of reply submitted that the Petitioner had obtained power of attorney from one Rajendran regarding the sale of immovable property and this Petitioner alleged to have sold the property to the fourth Respondent. After purchase the fourth Respondent wanted to proceed with the construction. It is observed that the property was already sold to another person and that person had put up construction. Therefore the fourth Respondent had approached the third Respondent with the complaint that the Petitioner herein had cheated the fourth Respondent under the guise of selling the property by making false representation as though he is selling the plot to the fourth Respondent. Instead the property was already sold. By false representation, he had obtained huge amount amount from the fourth Respondent towards the sale



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of property. Aggrieved by the conduct of the Petitioner, the fourth Respondent had approached the third Respondent. The third Respondent on the basis of the complaint of the fourth Respondent registered CSR No. 160 of 2022 on 03.03.2022. Based on the CSR, the third Respondent had summoned the Petitioner and the Petitioner had appeared and cooperated with the enquiry conducted by the third Respondent. In the course of enquiry, the Petitioner herein had accepted his guilt and undertook to repay the amount that was received from the fourth Respondent. On the basis of the said undertaking, the CSR was closed. Subsequently it was understood that the Petitioner herein had not repaid the amount to the fourth Respondent, till now no case has been registered.

6. Recording the submission of the learned Additional Public Prosecutor the Writ Petition is dismissed. No costs.

10.10.2022

Index : Yes / No
Internet : Yes / No
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Palani Nagar Police Station
Palani Taluk, Dindigul District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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