



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.02.2022

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WP(MD)No.22864 of 2021

Salomi Befina

...Petitioner

vs.

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

2.The Inspector of Police,
District Crime Branch, Thoothukudi.

3.Santhiya

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India to issue Writ of Mandamus, forbearing the second respondent from interfering with the civil dispute between the petitioner and the third respondent under the guise of enquiry.

For Petitioner	: Mr.A.Robinson
For Respondents	: Mr.T.Senthil Kumar,
No.1 & 2	Additional Public Prosecutor.

ORDER

Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents 1 and 2.

2.The petitioner alleges that the issue between her and the third respondent is entirely civil in nature and that the respondent police should not interfere with the same. The learned Additional Public Prosecutor would submit that enquiry in this regard is pending before the second respondent. In these circumstances, the following directions are issued:-

(i) *The petitioner will be summoned only by way of written summon. There is no question of orally summoning the petitioner.*

(ii) *The first respondent will conclude the enquiry on merits and in accordance with law within a period of two weeks after the appearance of the parties.*

(iii) *If the matter is purely civil in nature, the respondent police will close the complaint.*



(iv) If cognizable offence is made out and if the concerned respondent proposes to register any FIR, the petitioner will be given due notice. So that the petitioner will have breathing time to move the concerned Court for the relief of anticipatory bail.

WEB COPY

3. The writ petition is disposed of accordingly.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

SKM

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,
Thoothukudi District, Thoothukudi.

2. The Inspector of Police,
District Crime Branch, Thoothukudi.

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

+1 CC to M/s.A.ROBINSON, Advocate (SR-4128[F] dated 04/02/2022)

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DP(26.02.2022) 2P 5C