



W.P.No.2749 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.2749 of 2023

Lakshmi

... Petitioner

Vs.

1. Deputy Commissioner of Police,
O/o. Deputy Commissioner of Police,
New Washermenpet – Tondiarpet,
Chennai – 600 081.
2. Assistant Commissioner of Police,
O/o. Assistant Commissioner of Police,
Roapuram, Chennai.
3. Inspector of Police,
N-1, Royapuram Police Station,
Royapuram, Chennai – 600 013.

4. Akilesh Baskaran

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleaded to issue a Writ of Mandamus to direct the 3rd respondent not to interfere in a civil dispute and also direct the 3rd respondent not to harass the petitioner and her husband under the guise of enquiry.

For Petitioner : Mr.G.R.Deepak

For Respondent : Mr.S.Santhosh

Government Advocate (Crl.Side)



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ORDER

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The Writ Petition has been filed to direct the 3rd respondent not to interfere in a civil dispute and also direct the 3rd respondent not to harass the petitioner and her husband under the guise of enquiry.

2.The learned counsel appearing for the petitioner submitted that there is a property dispute between the petitioner and the 4th respondent. In this regard, partition suit in C.S.No.573 of 2002 is pending before this Court. There is also a complaint given by one Sangeetha (4th respondent's wife) against the petitioner. Based on the said complaint, FIR in Crime No.1494 of 2022 was registered for the offence under Sections 294(b), 323, 324 and 506(ii) of IPC. While being so, respondent police has issued summons under Section 91 of Cr.P.C for production of key. He further submit that when there is a civil dispute pending, summons issued for production of key is nothing but interfering with the civil rights of the petitioner.

3. The learned Government Advocate (Crl. Side) submitted that as per the allegations made in the FIR in Crime No.1494 of 2022, alleged key



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is used for hurting the defacto complainant/Sangeetha and therefore, respondent police had sent summons under Section 91 of Cr.P.C for production of case property namely Key.

4. Considering the factual background of the case that there are civil and criminal cases pending, this Court directs the respondent police not to harass the petitioner in any manner.

5. With the above observations and directions, this Writ Petition is disposed of.

02.02.2023

Index :Yes/No
Internet:Yes/No
Sma



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G.CHANDRASEKHARAN, J.

Sma

To

1. Deputy Commissioner of Police,
O/o. Deputy Commissioner of Police,
New Washermenpet – Tondiarpet,
Chennai – 600 081.
2. Assistant Commissioner of Police,
O/o. Assistant Commissioner of Police,
Roapuram, Chennai.
3. Inspector of Police,
N-1, Royapuram Police Station,
Royapuram, Chennai – 600 013.
4. The Public Prosecutor,
High Court of Madras.

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