



W.P.No.23243 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.08.2023

CORAM :

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.23243 of 2023

D.Jayakumar

.. Petitioner

Versus

1. The Secretary to Government,
Home Department, Secretariat,
Chennai - 600 009.
 2. The Commissioner of Police,
Office of the Commissioner of Police,
Tambaram, Chennai - 600 045.
 3. The Deputy Commissioner of Police, (D.C.)
Office of the Deputy Commissioner of Police,
Tambaram, Chennai - 600 045.
 4. The Assistant Commissioner of Police, (A.C.)
Office of the Assistant Commissioner of Police,
Tambaram, Chennai - 600 045.
 5. The Inspector of Police, (Crime)
S-11, Tambaram Police Station,
Chennai - 600 051.
 6. K.Venkateshwaralu
 7. S.Pandi Ganesh @ Pandian
- .. Respondents**



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Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 1 to 5 respondents to consider the petitioner representation dated 29.07.2023 consequently direct the 5th respondent to close the complaint of 6th respondent against the petitioner under 562(b) Tamil Nadu Police standing order under civil in nature as well as to close the complaint under 468 of Criminal Procedure Code, 1973 under limitation aspect.

For Petitioner : Mr.T.V.G.Kartheeban

For Respondents : Mr.A.Damodaran,
Additional Public Prosecutor,
for RR-1 to 5

ORDER

This Writ Petition has been filed for a Writ of Mandamus directing the fifth respondent to close the complaint that was filed by the sixth respondent against the petitioner on the ground that the dispute between the parties is civil in nature.

2. Heard Mr.T.V.G.Kartheeban, learned Counsel for the petitioner and Mr.A.Damodaran, learned Additional Public Prosecutor for the respondents 1 to 5.



W.P.No.23243 of 2023

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3. In the considered view of this Court, the nature of dispute that has been projected by the sixth respondent in the complaint pending before the fifth respondent must be decided only by the fifth respondent. If ultimately the fifth respondent finds that the dispute is civil in nature, the complaint can be closed after hearing both sides and directing the parties to go before the Civil Court. On the contrary, if the fifth respondent finds that the complaint makes out a cognizable offence, it is left open to the fifth respondent to proceed further as per the guidelines given by the Hon'ble Apex Court in ***Lalitha Kumari Vs. Government of Uttar Pradesh*** reported in **2013 (6) CTC 353**. Except giving this clarity, no further orders can be passed in this Writ Petition.

4. This Writ Petition is disposed off in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

08.08.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To



W.P.No.23243 of 2023

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Office of the Deputy Commissioner of Police,
Tambaram, Chennai - 600 045.
4. The Assistant Commissioner of Police, (A.C.)
Office of the Assistant Commissioner of Police,
Tambaram, Chennai - 600 045.
5. The Inspector of Police, (Crime)
S-11, Tambaram Police Station,
Chennai - 600 051.
6. The Public Prosecutor,
High Court of Madras.



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W.P.No.23243 of 2023

N.ANAND VENKATESH, J.

grs

W.P.No.23243 of 2023

08.08.2023