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Writ Petition (MD)No.14638 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 01.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE P. DHANABAL

Writ Petition (MD)No.14638 of 2021

and

W.M.P.(MD)No.11571 of 2021

B.Sivaramakrishnan

... Petitioner

Vs.

- 1.The Commissioner of Police,
Alagar Kovil Main Road, KK Nagar,
K.Pudur, Madurai,
Madurai District-625 002.
- 2.The Assistant Commissioner of Police,
Social Justice and Human Rights Wing,
O/o, The Commissioner of Police,
Alagar Kovil Main Road, KK Nagar,
K.Pudur, Madurai, Madurai District – 625 002.
- 3.The Assistant Commissioner of Police,
Madurai Rural, Thilagar Thidal,
Madurai District – 625001.
- 4.The Inspector of Police,
S.S.Colony Police Station,
S.S.Colony, Madurai District – 625016.
- 5.P.Paul

... Respondents

Prayer: Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Mandamus, forbearing the second respondent from proceeding further based on the complaint given by the



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fifth respondent which was already closed on two occasions by the third and fourth respondents on the same set of allegations.

For Petitioner : Mr.K.Raja
For Respondents 1 to 4 : Mr.R.M.Anbunithi
Additional Public Prosecutor
For 5th Respondent : Mr.A.Haja Mohideen
For Respondents 4 & 6 : No Appearance

ORDER

The petitioner has filed this writ petition in a nature of Writ of Mandamus, forbearing the second respondent from proceeding further based on the complaint given by the fifth respondent which was already closed on two occasions by the third and fourth respondents on the same set of allegations.

2.According to the petitioner, the petitioner is carrying out the business of service provider for Private Siding Railway Track Annual Maintenance Contract to SPIC Company, Tuticorin, Tuticorin District. The fifth respondent was engaged to assist the petitioner on consolidated payment of Rs.25,000/- per month from August 2020. He was having his assistance only for a period of three months. During that period, the fifth respondent received a sum of Rs.1,21,950/-. After deducting the salary, the remaining amount was demanded by the petitioner and enraged over the same, the fifth respondent lodged a complaint before the fourth respondent.



Thereafter a detailed enquiry was conducted and closed. Again the fifth respondent lodged a complaint before the third respondent and the same was enquired on 17.04.2021 and the same was also closed. Thereafter, in order to get contract from the company, the respondents 1 to 4 office have been misutilized the fifth respondent to harass the petitioner. Again the fifth respondent lodged a complaint to the second respondent and he also directed the petitioner to appear on 29.07.2021 for the same set of allegations, which was closed on two occasions. Frequent complaints and allegations by the fifth respondent is nothing but abuse of process of law. Therefore, he filed this writ petition.

3.No counter was filed on the side of the respondents.

4.The learned counsel appearing for the petitioner would contend that the fifth respondent was working under the petitioner at that time, the fifth respondent borrowed money from the petitioner and thereafter, deducted the salary. Due to that money dispute, the fifth respondent had given civil complaints before the police and the petitioner has also appeared for enquiry for more than two times. The enquiry was conducted and closed. Again the fifth respondent has given complaint against the petitioner and hence, this



petition has been filed.

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5.The learned Additional Public Prosecutor appearing for the respondents 1 to 4 would contend that already FIR has been registered as against this petitioner in Crime No.916 of 2021 under Section 3(1)(a) of Scheduled Castes/Scheduled Tribes (Prevention Of Atrocities) Act and the same is under investigation. Therefore, at this stage, this petition is not maintainable.

6.The learned counsel appearing for the fifth respondent would contend that the petitioner has abused the caste name of the fifth respondent and thereby, he lodged a complaint before the respondent police and they also registered a case and the case is under investigation and now the petition is not maintainable and liable to be dismissed.

7.This Court heard both sides and perused the material available on record.

8.The prayer of the petitioner is that forbearing the second respondent from proceeding further based on the complaint given by the fifth



respondent, which was already closed on two occasions by the third and fourth respondents on the same set of allegations.

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9.As contended by the learned Additional Public Prosecutor that already the police have registered the FIR and the same is under investigation. The prayer in the petition has become infructuous. Since already FIR was registered, nothing survives for further adjudication in this petition.

10.In view of the above, this Writ Petition is dismissed as infructuous.
No Costs. Consequently, connected miscellaneous petition is closed.

01.08.2023

NCC : Yes/No
Index: Yes/No
Internet: Yes/No
Mrn



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Madurai.



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P.DHANABAL,J.

Mrn

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