



W.P.(MD)No. 16252 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.07.2023

CORAM

THE HON'BLE DR.JUSTICE D.NAGARJUN

W.P.(MD)No. 16252 of 2023

S.Abdullah

... Petitioner

Vs.

1.The District General of Police,
Office of the Director General of Police,
Dr.Radhakrishnan Road, Mylapore,
Chennai - 600 004.

2.The Commissioner of Police,
Office of the Commissioner of Police,
Trichirapalli.

3.The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Contonment,
Trichirapalli.

4.Balakrishnan,
Inspector of Police,
K.K.Nagar Police Station,
Tiruchirapalli.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of Indian, for issuance of Writ of Mandamus, to direct the respondent Nos.1 to 3 to take appropriate action on the basis of the petitioner's

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representation dated 19.06.2023, consequently direct the respondent No. 1 to 3 to take action against the respondent No.4 as per the guidelines issued by the Hon'ble Supreme Court of India in 'Lalitha Kumari Vs State of Uttar Pradesh' reported in (2014) 2 SCC 1 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.B.Thanga Aravindh
Government Advocate (Crl. side)

ORDER

This Writ Petition is filed seeking for a direction to the police to take action on the representation given by the petitioner on 19.06.2023.

2. It is submitted by the learned counsel for the petitioner that the property belonging to one Rajendran was attempted to be trespassed by one Jaheer Hussain and others and aggrieved by the same, the said Rajendran filed O.S.No.268 of 2023 on the file of the District Munsif, Tiruchirappalli. During the pendency of the said suit, on 13.06.2023, at about 02.00 p.m., the said Jaheer Hussain and others, tried to enter the



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said landed property, which is the subject matter in O.S.No.268 of 2023.

When the petitioner has questioned the said Jaheer Hussain as to how did they enter into the land, the petitioner was beaten by them, on which the petitioner was admitted in the Government Medical College Hospital, Trichy and the police recorded the statement, but no action was taken on his statement.

3. The learned Government Advocate (Crl.side) on the other hand submits that subsequent to the complaint, the opponent of the petitioner one Shaheen Begum has also given a complaint against the petitioner. Both the complaints were enquired and ultimately found that both the complainants were given only in respect of O.S.No.268 of 2023, accordingly, both complaints have been closed, as no cognisable offence is taken place.

4. Since no complaint is pending, no action can be taken against the petitioner. The respondent police are directed not to interfere with the civil dispute unless any offence either committed or alleged to have been committed. Since the very complaint filed by the petitioner



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against one Jaheer Hussain, in respect of the incident alleged to have been committed on 13.06.2023 at about 2.00 p.m., has been closed, the petitioner is at liberty to approach the civil Court and file petition under Section 200 Cr.P.C., against the accused.

5. With this liberty, this Writ Petition stands closed. No costs.

28.07.2023

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

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To

- 1.The District General of Police,
Office of the Director General of Police, Dr.Radhakrishnan Road,
Mylapore, Chennai - 600 004.
- 2.The Commissioner of Police, Office of the Commissioner of Police,
Trichirapalli.
- 3.The Assistant Commissioner of Police,
Office of the Assistant Commissioner of Police,
Contonment, Trichirapalli.

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DR.D.NAGARJUN, J.

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Order made in

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Dated: 28.07.2023