



W.P.(MD)No.19757 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.08.2023

CORAM

THE HONOURABLE DR.JUSTICE D.NAGARJUN

W.P.(MD)No.19757 of 2023

Jeppiaar Sheela

... Petitioner

Vs

1.The Superintendent of Police,
Nagercoil, Kanyakumari District.

2.The Inspector of Police,
Vellichanthai Police Station,
Kanyakumari District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent not to restrain the petitioner from entering into the company M/s. Jeppiaar Fishing Harbour Muttom Private Limited at Muttom, Kanyakumari District, based on the representation given by the petitioner dated 28.07.2023.

For Petitioner : Mr.G.Aravinthan

For R-1 & R-2 : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)

ORDER

This Writ Petition is filed seeking for a mandamus to the respondents police not to restrain the petitioner from entering into M/s.Jeppiaar Fishing Harbour Muttom Private Limited at Muttom, Kanyakumari District on

the basis of the representation given by the petitioner dated 28.07.2023.



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2. It is submitted by learned counsel for the petitioner that she is the second daughter of Late Jeppiaar the found of Jeppiaar Group of Institutions and Industries and who was started M/s. Jeppiaar Fishing Harbour Muttom Private Limited at Muttom, Kanyakumari District, in the year 2008. The said Jeppiaar died on 18.06.2016 leaving behind the petitioner's mother and four daughters including the petitioner.

3. It is alleged that one of the employees namely Karthik has swindled money from the company and that the petitioner tried to check the accounts of the company and at that time, the said Karthik has used the petitioner's sister name to protect himself. On verifying the documents of the Registration of Company, the petitioner found that there is a huge loss in the company and lot of malpractices and irregularities were done. With the intention to usurp the properties certain documents are fabricated and forged by the said Karthik with the assistance of one of the petitioner's sister by name Mariazeena and her husband Marie Johnson. Criminal prosecution was also launched against the petitioner's sister and her husband by Ministry of Corporate Affairs.

4. On 16.06.2023, when the petitioner intends to enter into the company, the petitioner's sister and her husband restrain the petitioner with the help of



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police. It is submitted that since the petitioner is one of the owners, she got every right to enter the company. The petitioner has filed CrI.O.P(MD).No. 11924 of 2023 dated 30.06.2023 and sought to quash the FIR which is registered against the petitioner. Therefore, sought directions to issue mandamus as prayed for.

5. Heard the learned counsel for the petitioner and perused the record.

6. The main contention of the petitioner is that she being one of the owners of M/s.Jeppiaar Fishing Harbour Muttom Private Limited at Muttom, Kanyakumari District, has got right to enter the premises. However, the respondents police on a false complaint given by her sister and her husband have been restraining the petitioner's legal right. The dispute between the petitioner and her sister in respect of the company is purely a matter of dispute which required to be settled either before the civil Court or before the competent Company Law Tribunal. The petitioner, in case if feels that her civil right is infringed and if she being the co-owner of the company was prevented by one of the co-owners, she can approach the civil Court or competent Court for suitable directions restraining the petitioner's sister and her husband including for the police not to resist her entry into the premises. The police can give protection to the petitioner if the petitioner's sister and her husband acting



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against the law or about to commit any offence against the petitioner or the property of the petitioner.

7. At this stage, learned counsel for the petitioners requests the Court to permit him to withdraw this Petition. He has also endorsed on the docket. The said endorsement is recorded.

8. In view of the above, the petitioner is permitted to withdraw this petition and she has given liberty to approach either to the Civil Court or to the appropriate forum and file appropriate suit for the relief which the petitioner is seeking. No costs.

17.08.2023

NCC:yes/no

Index:yes/no

Internet:yes/no

tsg/pkn

To

1.The Superintendent of Police,
Nagercoil, Kanyakumari District.

2.The Inspector of Police,
Vellichanthai Police Station,
Kanyakumari District.

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



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DR.D.NAGARJUN, J.

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