



W.P.(MD)No.19950 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.08.2023

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THE HONOURABLE DR.JUSTICE D.NAGARJUN

W.P.(MD)No.19950 of 2023

R.Muthukumar

... Petitioner

Vs

1.The Commissioner of Police,
O/o.The Commissioner of Police,
Madurai,
Madurai District.

2.The Assistant Commissioner of Police,
Anna Nagar (Saragam),
Madurai District.

3.The Inspector of Police,
K.Pudhur Police Station,
Madurai District.

4.C.Ramathilagam
5.P.Subash

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent No.3 not to interfere in the civil dispute during the pendency of civil suit in O.S.No.377 of 2023 before the learned Principal District Munsif Court, Madurai and consequently for a direction not to disturb the peaceful possession and enjoyment of the petitioner in R.S.No.191 in Door No.22, New No.19(76) Ward No.4, Alagar Nagar, K.Puthur, Madurai District by considering the representation dated 06.08.2023.



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For Petitioner : Mr.K.Dinesh
For R1 to R3 : Mr.B.Thanga Aravindh
Government Advocate (Criminal side)

ORDER

This Writ Petition is filed under Article 226 of the Constitution of India seeking for a direction to the third respondent police not to interfere in the civil dispute between the petitioner and the un-official respondents and consequently for a direction not to disturb the peaceful possession and enjoyment of the petitioner in R.S.No.191 in Door No.22, New No.19(76) Ward No.4, Alagar Nagar, K.Puthur, Madurai District.

2. It is submitted by the learned counsel for the petitioner that the petitioner has filed a suit in O.S.No.377 of 2023 on the file of the Principal District Munsif Court, Madurai against the fourth respondent seeking for perpetual injunction. It is submitted that soon after filing of the civil suit, the fourth respondent has filed a false complaint, based on which, the respondent police has harassing the petitioner. He further submitted that though the petitioner has filed a complaint against the tress-passer on 05.08.2023 the police has not taken any action.



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3. The learned Government Advocate (Crl.side) on the other hand submitted that the fourth respondent filed a complaint and the same was registered as C.S.R.No.413 of 2023, basing on which, the police has sent a complaint for opinion to the concerned Prosecutor on 01.07.2023 and after obtaining the legal opinion, a case has been registered in Cr.No.265 of 2023 for the offences under Sections 120(b), 294(b), 420, 427, 448, 465, 468, 471 and 506(ii) IPC. He has submitted that the petitioner has not filed any complaint before the police and if petitioner files any complaint against un-official respondents, police will take action.

4. Since the complaint filed by the fourth respondent has been registered as FIR in Crime No.265 of 2023, this petition seeking for direction to the police not to interfere cannot be considered. Accordingly, this petition is dismissed.

NCC:yes/no
Index:yes/no
Internet:yes/no
am

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Madurai District.
- 2.The Assistant Commissioner of Police,
Anna Nagar (Saragam),
Madurai District.
- 3.The Inspector of Police,
K.Pudhur Police Station,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN, J.

am

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