



W.P.No.8519 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:12.04.2024

Coram:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.8519 of 2024

P.Annadurai

.. Petitioner

/versus/

1.The State of Tamil Nadu,
Represented by Superintendent of Police,
Dharmapuri District,
Dharmapuri 636 705.

2.The Additional Superintendent of Police,
CWC Wing,
Office of the Superintendent of Police,
Dharmapuri 636 705.

3.P.Baskar

.. Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents 1 and 2 to not to take any coercive action and harass the petitioner until pending disposal of the suit in O.S.No.14 of 2024 on the file of the District Munsif Court, Dharmapuri.



W.P.No.8519 of 2024

For Petitioner : Mr.V.Raghavachari, Senior Counsel
for Ms.V.Srimathi

For Respondents : Mr.K.M.D.Muhilan
Government Advocate (Crl.Side)
for R1 and R2

ORDER

Based on the complaint, three current papers are pending for the enquiry. The following three current papers are below.

1. G2/005975/647/2024 Dated 04.03.2024 SP
Dharmapuri – Petitioner Tr. Baskar
2. C2/213/1195/2024 Dt. 05.03.2024 DIG
Salem Range – Petitioner Tr. Annadurai
3. C.No. 172/CC/Camp/land/2024- E file No.
6900233 Dt. 07.03.2024 DGP HOPF Chennai. Petitioner
Tr. Annadurai

2. The writ petition is filed by P.Annadurai, who is the complainant in C2/213/1195/2024. Earlier when the matter came off up for consideration, the learned counsel appearing for the petitioner submitted that the matter is pending between the brothers and there is a possibility of settlement and therefore, sought for adjournment. Accordingly, the matter was adjourned today. Today, it is reported



W.P.No.8519 of 2024

WEB COPY

that no settlement is arrived at.

3. The learned counsel appearing for petitioner further submitted that already a civil suit filed by the petitioner is pending and therefore, criminal complaint pending against him need not proceed and the respondents 1 and 2 shall not take any coercive action, pending disposal of the civil suit in O.S.No 14 of 2024 on the file of the District Munsif Court, Dharmapuri.

4. The learned Government Advocate (Crl.Side) appearing for the respondents 1 and 2 submitted that the complaint has to be enquired first of all, to ascertain whether any cognizable offence is made out, if so, what is the offence committed. The co-operation of the petitioner is necessary to ascertain the veracity of the complaint and nature of the complaint.

5. This Court is of the view that the petitioner cannot stay away from the investigation just by citing pendency of the civil suit. Whether the complaint make out any criminality and requires



W.P.No.8519 of 2024

prosecution, can be decided only after enquiring the parties and collecting the materials.

6. With the above observations, this Writ Petition is dismissed.

12.04.2024

Index:yes/no

Neutral Citation:yes/no

ari

To:

1.The District Munsif Court, Dharmapuri.

2.The Superintendent of Police,
Dharmapuri District, Dharmapuri 636 705.

DR.G.JAYACHANDRAN,J.



WEB COPY



W.P.No.8519 of 2024

ari

W.P.No.8519 of 2024

12.04.2024