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Writ Petition No.23609 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.08.2024

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THE HON'BLE DR.JUSTICE G.JAYACHANDRAN

Writ Petition No.23609 of 2024

Jeya Kumar

... Petitioner

Vs.

1.The Commissioner of Police
Coimbatore.

2.The Inspector of Police
E2 Police Station
Peelamdu, Coimbatore.

3.Santha Raveendran

4.Aishwarya Raveendran

... Respondents

PRAYER : Writ Petition filed under Article 227 of the Constitution of India praying to issue a Writ of Mandamus, to forbear the 2nd respondent from interfering in the Civil Dispute of the petitioner based on the 3rd Respondents complaint dated 17.05.2024 in CSR No.863 of 2024.

For the petitioner	:	Mr.AR.M.Arunachalam
For the respondents	:	Mr.S.Udaya Kumar
		Government Advocate (Crl. Side)
		for RR1 and 2



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ORDER

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The petitioner herein seeks interference of this Court to quash the complaint registered under CSR No.863 of 2024.

2. The petitioner states that to clean the premises at Nos.44 and 45, Sri Lakshmi Nagar, Sowripalayam Road, Coimbatore, to accommodate the visitors' car during the wedding ceremony of the petitioner's son herein, he engaged a JCB contractor viz., Manokar. The contractor also cleaned the premises with the JCB machine.

3. While being so, it is alleged that a complaint was lodged by the defacto complainant as her wall got damaged. Hence the CSR No.863 of 2024 is under investigation. Since the petitioner herein has promised the defacto complainant to rebuild the damaged compound wall, but he failed to do so.

4. The learned counsel for the petitioner would submit that the cleaning of the premises was on 17.03.2024, by using the JCB on contract,



whereas, the compound wall of the defacto complainant was fell on 23.03.2024. Complaint was lodged after a period of two months, which has been registered in CSR No.863 of 2024 and on the guise of enquiry, the 3rd respondent is trying to interfere in the matter which is purely civil in nature. The learned counsel would rely upon the statements given by the petitioner and exchange of notice through the lawyers. Alleging that the respondent – Police is constantly harassing the petitioner, the present Writ Petition under Article 226 of the Constitution of India has been filed.

5. The learned Government Advocate (Crl. Side) appearing on behalf of the respondents 1 and 2 submits that from the petition complaint, obviously the compound wall of the defacto complainant got damaged, after the cleaning work carried out by the petitioner herein. Since the damaged wall not being reconstructed by the petitioner, the defacto complainant alleged that it is an attempt to trespass into the land belongs to her, necessitated registration of criminal complaint. The petitioner is expected to participate in the investigation, to ascertain whether the damage to the compound wall of the defacto complainant was intentional



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or accidental. There is no element of harassment in the enquiry.

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6. Recording the submissions of the learned Government Advocate (Crl. Side), this Writ Petition is dismissed, directing the petitioner herein to cooperate with the enquiry and the respondent – police shall proceed in accordance with law, based on the material collected during the course of enquiry. No costs.

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16.08.2024

Index: Yes/No

Internet: Yes/No

Neutral citation : Yes/No

Speaking order/Non-speaking order

To

1. The Commissioner of Police
Coimbatore.

2. The Inspector of Police
E2 Police Station
Peelamdu, Coimbatore.



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Dr.G.JAYACHANDRAN, J.,
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