



WP(MD) No.4611 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **29.02.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD) No.4611 of 2024

and

W.M.P.(MD).No.4453 of 2024

B.Sindhunaga

... Petitioner

/vs./

1.The Superintendent of Police,
Karur District,
Karur.

2.The Sub-Inspector of Police,
Aravakuruchi Police Station,
Karur District,
Karur.

3.R.Muthusami

4.M.Selvaraj

5.M.Lakshmi

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned summon dated 23.02.2024 of the second Respondent and quash the same and consequently forbear the Respondents 1 and 2 from proceeding with the enquiry against the Petitioner in relation to the Hindu Joint Family Ancestral property survey numbers 507/1, 507/2, 514/2 and 516 situated at



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Thethupatti Village, Aravakuruchi Taluk, Karur District which is pending subject matter of the Writ Petition in W.P.(MD).No.1382 of 2024 on the file of this Court in the guise of conducting enquiry without resorting to due process of law.

For Petitioner : Mr.S.Mohamed Azharudeen Sharof

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

ORDER

The learned Counsel for the Petitioner submitted that the Petitioner had filed this petition seeking to quash the impugned summon dated 23.02.2024, issued by the second Respondent and for a consequential direction to forbear the Respondents 1 and 2 from proceeding with the enquiry against the Petitioner in relation to ancestral property survey numbers 507/1, 507/2, 514/2 and 516 situated at Thethupatti Village, Aravakuruchi Taluk, Karur District, which is pending as subject matter of the Writ Petition in W.P.(MD).No.1382 of 2024 on the file of this Court, in the guise of conducting enquiry without resorting to due process of law.

2. The learned Counsel for the Petitioner submitted that the Petitioner, who is the daughter-in-law of the third Respondent, is a widow. The third Respondent is alleged to have executed a settlement deed ignoring the rights of



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the deceased husband of the Petitioner, who is also the son of the third Respondent. Therefore, she had challenged the execution of the settlement deed by way of filing the Writ Petition in W.P.(MD).No.1382 of 2024 before this Court and the same is pending with the another bench of this Court. While so, the Respondents 3 to 5 are alleged to have given a complaint against the Petitioner with the second Respondent Police. Therefore, the second Respondent on the basis of such complaint had issued summons to the Petitioner. It is the contention of the learned Counsel for the Petitioner that the summons issued by the second Respondent is not in accordance with law, as civil dispute is being converted into criminal case by the private Respondents. Therefore, the Petitioner had come before this Court by way of filing this petition.

3. The learned Counsel for the Petitioner also relied on the reported ruling of this Court in the case of ***V.N.Pachaimuthu Vs The Superintendent of Police, Villupuram District*** reported in ***2012 (3) CTC 291***.

4. The learned Government Advocate (Criminal Side), on instructions from the Respondents 1 and 2 would submit that CSR No.57 of 2024 was registered based on the complaint of the fifth Respondent. In the CSR, the



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second Respondent had issued summons to the Petitioner herein and the fifth Respondent. The fifth Respondent appeared, but the Petitioner did not appear. The learned Government Advocate (Criminal Side) would further submit that the second Respondent is ready to close the CSR after due enquiry.

5. In the light of the reported ruling stated supra, the summons issued by the second Respondent dated 23.02.2024 is hereby quashed. The Petitioner is directed to seek his remedy before the competent Civil Court. Considering his submission that the property, which was settled by the third Respondent in favour of the fourth Respondent, as ancestral property, the Petitioner has to challenge the same through Civil Court and not through this Court.

6. With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

29.02.2024

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



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SATHI KUMAR SUKUMARA KURUP, J.

Nsr

Order made in
W.P.(MD)No.4611 of 2024

Dated:
29.02.2024