



W.P.No.4028 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.4028 of 2025
and W.M.P.No.4522 of 2025

1. T.Shanmugasundaram
2. S.Sutharkani ... Petitioner

Vs

1. The Additional Director General of Police (Law And Order),
DGP Office Complex,
Mylapore,
Chennai- 600 004.

2. The Superintendent of Police,
Erode District,
Erode.

3. The Deputy Superintendent of Police,
Sathyamangalam Division,
Erode District.

4. G.M.Kumaravel ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the third respondent dated 22.01.2025 in 1.C.No.06/SDOS/IV/2024 and quash the same and consequently forbear the third respondent from interfering with the



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property dispute between the Petitioners and the 4th respondent in O.S. No.131 of 2024, on the file of the III Additional District Judge Gobichettipalayam.

For Petitioners : Mr.K.Selvaraj
For R1 to R3 : Mr.R.Vinothraja
Government Advocate (Crl.side)

ORDER

This Writ Petition has been filed calling for the records relating to the proceedings of the third respondent dated 22.01.2025 in 1.C.No.06/SDOS/IV/2024 and quash the same and consequently forbear the third respondent from interfering with the property dispute between the Petitioners and the fourth respondent in O.S.No.131 of 2024, on the file of the learned III Additional District Judge, Gobichettipalayam.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.side) for the respondents 1 to 3 and perused the materials available on record.

3. On the complaint lodged by the fourth respondent, the petitioners were called for enquiry to be held on 27.01.2025. On that day, the petitioners appeared before the third respondent and submitted that



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there is a civil dispute between the petitioners and the fourth respondent and a suit is also pending in O.S.No.131 of 2024, on the file of the learned III Additional District Judge, Gobichettipalayam.

4. On instructions, the learned Government Advocate (Crl.side) appearing for the respondents 1 to 3 submitted that based on the complaint lodged by the fourth respondent, the third respondent called the petitioners for an enquiry. The petitioners appeared for the enquiry once but failed to appear thereafter. The third respondent, who is the Deputy Superintendent of Police, received the complaint but does not have the authority to conduct an enquiry. Once a complaint is received, the third respondent ought to have forwarded the same to the jurisdictional Police to conduct enquiry.

5. This Court does not understand why the third respondent, who is a superior Officer took much interest in the complaint lodged by the fourth respondent. It shows that the third respondent attempted to convert the civil dispute into a criminal case.



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6. In view of the above, the third respondent is directed not to interfere with the civil dispute pending between the petitioners and the fourth respondent, except any cognizable offence is committed by the petitioners.

7. In view of the above, this Writ Petition petition is disposed of. Consequently, connected Miscellaneous petition is closed. No costs.

05.02.2025
(1/2)

Index : Yes/No
Neutral citation : Yes/No
Speaking/non-speaking order
mn



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To

1. The Additional Director General of Police (Law And Order),
DGP Office Complex,
Mylapore,
Chennai- 600 004.
2. The Superintendent of Police,
Erode District,
Erode.
3. The Deputy Superintendent of Police,
Sathyamangalam Division,
Erode District.
4. The Public Prosecutor,
High Court, Madras.



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G.K.ILANTHIRAIYAN. J.

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