



W.P.No. 14705 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2025

CORAM:

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

W.P.No.14705 of 2025 and
W.M.P.No.16596 of 2025

1.Sherin
2.Rahul Ram
3.Sarvesh Babu

... Petitioners

Vs.

1.The Commissioner of Police,
Coimbatore City,
Coimbatore.

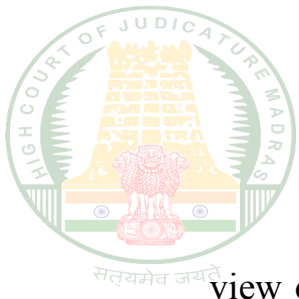
2.The State rep. by its,
The Inspector of Police,
Karumbukudai Police Station,
Coimbatore.

3.Muhammed Abdul Kareem Fasisal

4.Shaji Das

..Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus forbearing the respondent Nos.1 and 2 from interfering with the petitioners peaceful possession of property comprising in S.Nos.135/1, 135/2A, 135/2E situated at Kurichi Village, Coimbatore Taluk, Coimbatore District in



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view of judgment dated 19.12.2024 passed in O.S.No.21 of 2022 on the file of District Munsif Judge and Judicial Magistrate Court at Madukkarai.

For Petitioners : Mr.K.Myilsamy

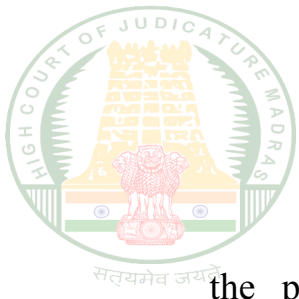
For R1 and R2 : Mr.A.Gopinath,
Government Advocate (crl.side)

ORDER

This writ petition has been filed seeking to forbear respondents 1 and 2 from interfering with the petitioners' peaceful possession of the property comprised in Survey Nos. 135/1, 135/2A, and 135/2E, situated at Kurichi Village, Coimbatore Taluk, Coimbatore District, in light of the judgment dated 19.12.2024 passed in O.S. No. 21 of 2022 on the file of the District Munsif-cum-Judicial Magistrate Court, Madukkarai.

2. Heard the learned counsel appearing on either side and perused the materials placed on record.

3. The learned Government Advocate (Criminal Side), on instructions, submitted that an FIR has already been registered as against



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the petitioners on the complaint lodged by respondents 3 and 4 concerning the very same property. It was further submitted that since the petitioners have been arrayed as accused in the FIR registered pursuant to the complaint lodged by the respondents 3 and 4, they are not entitled to seek relief restraining the authorities from interfering with the possession, especially when the respondents 1 and 2 are only discharging their duties based on a criminal complaint and have not direct involvement in the underlying civil dispute.

4. On consideration of the submissions made by both sides, this Court is of the view that the dispute pertains to property ownership and possession, which is essentially civil in nature. However, since a criminal complaint has been lodged and an FIR has been registered as against the petitioners by the second respondent, this Court is not inclined to invoke its extraordinary jurisdiction under Article 226 of the Constitution to interfere in an ongoing investigation or prevent lawful action by the police arising out of such complaint.

G.K.ILANTHIRAIYAN, J.



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5. Accordingly, the writ petition stands dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

24.04.2025

Neutral citation : Yes/No
Speaking/non-speaking order
shk

To

1.District Munsif-cum-Judicial Magistrate Court, Madukkarai.

2.The Commissioner of Police,
Coimbatore City,
Coimbatore.

3.The Inspector of Police,
Karumbukudai Police Station,
Coimbatore.

4. The Public Prosecutor, High Court, Madras.

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(1/2)