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W.P.(Crl)No.414 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2025

CORAM :

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P.(Crl).No.414 of 2025

Aafiya @ Deepa

...Petitioner

Vs.

The State represented by
The Inspector of Police,
Coonoor Town Police Station,
The Nilgiris.

..Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, 1950, praying for issuance of Writ of Mandamus, to direct the respondent not to interfere with the running of the petitioner's shop No.2, Ground Floor, Dress Land, Female Section.

For Petitioner : Mr.J.Franklin

For Respondent : Dr.C.E.Pratap,
Govt. Advocate (Crl.Side)



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ORDER

This Writ Petition has been filed seeking directions to respondent not to interfere with the running of the petitioner's shop No.2, Ground Floor, Dress Land, Female Section.

2 According to learned counsel for the petitioner, the petitioner is wife of one Akil Sait, who settled his one of the shops, in favour of the petitioner in the year 2023. Now the said Akil Sait, is creating troubles and disturbing the petitioner from running the shop. The petitioner is paying rent and EB charges. Therefore the petitioner made complaint before the respondent police and after enquiry, the respondent police handed over the key to the petitioner, but instructed the petitioner not to open the shop. Further the petitioner also filed civil suit against her husband, which is pending in O.S.No.58 of 2025 before the District Munisf Court, Coonoor. Therefore it is necessary to issue directions to the respondent not to interfere with the running of the shop by the petitioner.

3 Learned Government Advocate (CrI.Side) for the



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respondent police would submit that based on the complaint given by the petitioner, enquiry has been conducted and the parties were directed to approach the Civil Court, since the dispute seems civil nature.

4 Heard the learned counsel for the petitioner and the learned Government Advocate (CrI.Side) for the respondent police and perused the materials available on record.

5 It is seen from the records that the petitioner has filed civil suit against her husband, who settled the disputed property in her favour. The said suit in O.S.No.58 of 2025 for permanent injunction is pending before the learned District Munsif, Coonoor. The petitioner, instead of approaching the Civil Court, where the suit is pending, approached this Court, adding the respondent police as party and without adding the defendant therein, sought the relief invoking Article 226 of the Constitution of India. Hence this Court is not inclined to grant any relief as sought for by the petitioner.



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6 Accordingly the Writ Petition stands dismissed.

However, the petitioner is at liberty to workout her remedy before the Civil Court.

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Speaking /Non-speaking order

To

1. The Inspector of Police, Coonoor Town Police Station, The Nilgiris.
2. The Public Prosecutor, Madras High Court.



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P.VELMURUGAN, J.

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