



C.R.P.No.5446 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 07.11.2025

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.5446 of 2025
and C.M.P.No.27357 of 2025

D.Arun

... Petitioner

vs.

1.S.Johnson

2.J.Arivukodi

3.Mr.Krishnamurthy, (Conductor)
C/o.Branch Manager,
Metropolitan Transport Corporation Bus Depot,
Vysarpadi, Chennai – 600 039

4.The Inspector of Police,
K-2, Ayanavaram Police Station,
Ayanavaram,
Chennai – 600 023

5.The Sub-Inspector of Police,
K-2, Ayanavaram Police Station,
Ayanavaram,
Chennai – 600 023

6.The Commissioner of Police,
Vepery,
Chennai – 600 007

... Respondents



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PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the order dated 03.09.2025 made in I.A.No.4 of 2025 in O.S.No.734 of 2025 on the file of the learned XIV Assistant Judge in City Civil Court at Chennai.

For Petitioner : M/s.Ajay Francis Inigo Loyola

For R4 to R6 : Mr.C.Sathish
Government Advocate

ORDER

The Civil Revision Petition is filed challenging the order passed by the Trial Court dismissing the application in I.A.No.4 of 2025 filed by the petitioner/2nd defendant seeking rejection of the plaint.

2. Mr.C.Sathish, learned Government Advocate takes notice for the respondents 4 to 6.

3. The respondents 1 and 2/plaintiffs instituted a suit in O.S.No.734 of 2025 on the file of the learned XIV Assistant Judge, City Civil Court,



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Chennai, seeking permanent injunction. The prayer in the suit reads as follows:-

“a) Granting a permanent injunction restraining the defendants their men or their agents or anybody representing them in any manner taking coercive or unlawful attempt to recover or realize any monitory liability against the plaintiffs except through or by invoking the due process known to law with influence of defendants 3 and 4.”

4. It is the case of the plaintiffs that they had business transaction with defendants 1 and 2/the 3rd respondent and petitioner herein and a sum of Rs.10,00,000/- was paid to the plaintiffs. The private defendants lodged a police complaint against the plaintiffs and hence, the plaintiffs was constrained to approach this Court for anticipatory bail and the same was closed as there was no case and no petition. Continuously, the plaintiffs were called by the official defendants. Therefore, the suit has been filed seeking permanent injunction restraining the defendants from taking any coercive steps to realise the amount except by due process of law. Aggrieved by the same, the petitioner herein, who was arrayed as 2nd defendant in the suit, filed an application seeking rejection of the plaint.



5. It is the case of the petitioner that the police officials are entitled to discharge their official functions and the respondents 1 and 2/plaintiffs cannot approach the Civil Court seeking injunction against the official defendants, not to discharge their official functions.

6. This is not a case where the plaintiffs seeks for an absolute injunction. The prayer in the suit is extracted above. A perusal of the same, would indicate that the plaintiffs only seeks a qualified injunction restraining the defendants from realising the amount except by due process of law. Therefore, the prayer sought for by the plaintiffs will not interfere with the official functions of the official defendants arrayed in the suit in any way. The plaintiffs only seeks an injunction restraining the defendants from recovering the amount from them except by due process of law.

7. If the defendants take any steps to recover the amount from the plaintiffs by following due process of law, the plaintiffs cannot have any objection. The Trial Court rightly appreciated the scope of the prayer made in the suit and dismissed application for rejection of the plaint. I do not find any material irregularity in the conclusion reached by the XIV Assistant



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Judge, City Civil Court, Chennai in I.A.No.4 of 2025 in O.S.No.734 of 2025, dated 03.09.2025.

8. Accordingly, the Civil Revision Petition stands dismissed. No costs. Consequently, the connected civil miscellaneous petition is closed.

07.11.2025

Index : Yes / No
Speaking order : Yes / No
Neutral Citation : Yes / No
dm

To

- 1.The XIV Assistant Judge,
City Civil Court, Chennai.
- 2.The Inspector of Police,
K-2, Ayanavaram Police Station,
Ayanavaram,
Chennai – 600 023.
- 3.The Sub-Inspector of Police,
K-2, Ayanavaram Police Station,
Ayanavaram,
Chennai – 600 023.
- 4.The Commissioner of Police,
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Chennai – 600 007.

5/6



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S.SOUNTHAR, J.

dm

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