



CrI.O.P.(MD) No.12603 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.07.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

CrI.O.P.(MD) No.12603 of 2023

Pitchaiya Gurukkal

... Petitioner

Vs.

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

2.The Inspector of Police,
Uvari Police Station,
Tirunelveli District.

3.Radhakrishnan

4.Manikandan

5.Rathna Sapabathi

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the 2nd respondent not to harass the petitioner without any reason or commission of any offence forthwith.



Crl.O.P.(MD) No.12603 of 2023

WEB COPY

For Petitioner : Mr.S.Palani Velayutham
For R1 & R2 : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)
For R3 to R5 : Mr.N.Pragalathan

ORDER

This petition is filed seeking for a direction to the respondent police not to harass the petitioner without any reason or commission of any offence forthwith.

2.According to the learned counsel, the petitioner belongs to a hereditary trustee of Arulmighu Sri Suyambulinga Swamy Thirukovil, Uvari, Tirunelveli District and he has been performing poojas and other rituals in the temple, since long time. The unofficial respondent Nos.3 to 5, who are the poojaries, stated to have been appointed by the Government. When the disputes in respect of performing poojas erupted between the petitioner's group and the group of the unofficial respondent Nos.3 to 5, three representations have been received by the respondent police and they were accordingly registered as CSR.Nos.206, 208 and 229 of 2023 dated 15.04.2023, 17.04.2023 and 28.04.2023 respectively and after enquiry, all of them were closed directing both the groups to approach either the



Crl.O.P.(MD) No.12603 of 2023

WEB COPY

Endowment Department of the State Government or the appropriate civil Court in respect of right of performing rituals etc.,

3. Accordingly, three suits in O.S.Nos.120, 182 and 184 of 1997 were filed. All of them ended against the unofficial respondent Nos.3 to 5 and in favour of the petitioner. Appeals filed by the unofficial respondent Nos.3 to 5 in A.S.Nos. 221, 223 and 225 of 2001 were also dismissed and finally the second appeal Nos. 2052, 2058 and 2059 of 2022 filed by the unofficial respondent Nos.3 to 5 were also ended in favour of the petitioner. It is submitted that even after reaching the finality in the civil Court, still the respondent Nos.1 and 2 police under the influence of the unofficial respondent Nos.3 to 5 are trying to harass the petitioner.

4. The learned Government Advocate (Crl.side) on the other hand submits that after the closure of three CSRs., ie., CSR.Nos.206, 208 and 229 of 2023 and after advising both the parties to approach the civil Court or the Endowment Department, the police have not been interfering in the dispute in respect of performing poojas in the temple between the parties. The same is recorded.



Crl.O.P.(MD) No.12603 of 2023

WEB COPY

5.Once it is reported by the learned Government Advocate (Crl.side) that there is no application filed by any of the parties pending and since the police have not been intervening in the disputes between the petitioner and the unofficial respondent Nos.3 to 5 in respect of performing poojas in the temple, no further orders are required to be passed in this petition. Accordingly, this Petition is closed. It is needless to state that the respondent police are not required to interfere with the rights of the parties, which are settled in the Court.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

13.07.2023

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To

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

2.The Inspector of Police,
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4/6



Crl.O.P.(MD) No.12603 of 2023

WEB COPY

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD) No.12603 of 2023

DR.D.NAGARJUN. J.

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Crl.O.P.(MD)No.12603 of 2023

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