



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2015

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

CRL.OP.(MD)No.21651 of 2015

1.A.Paulraj
2.Dinakaran

: Petitioners

Vs.

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

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

: Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to direct the respondents not to interfere with a civil dispute in connection with the property belonging to the petitioners situated in Survey Nos.661/1, 661/2, 661/4 situated at Kadayamperumpathu Village, Kadayam Sub Division, Ambasamudram Taluk, Tirunelveli to an extent of 1 Acre, 25 Cents out of a total extent of land till the disposal of the Civil Suit in O.S. No.15 of 2014 on the file of the learned District Munsif Court, Ambasamuthram.

For Petitioners : Mr.J.Lawrance
For Respondents : Mr.A.P.Balasubramani
Government Advocate(Crl. Side)

O R D E R

The petitioner has come forward with this petition seeking for a direction, directing the the respondents not to interfere with a civil dispute in connection with the property belonging to the petitioners situated in Survey Nos.661/1, 661/2, 661/4 situated at Kadayamperumpathu Village, Kadayam Sub Division, Ambasamudram Taluk, Tirunelveli to an extent of 1 Acre, 25 Cents out of a total extent of land till the disposal of the Civil Suit in O.S. No.15 of 2014 on the file of the learned District Munsif Court, Ambasamuthram.



2. The learned counsel for the petitioner submitted that a suit in O.S.No.15 of 2014 is pending before the learned District Munsif, Ambasamuthram, Tirunelveli District. He would further submit that civil dispute is arising about the rights of the petitioners over the properties and also declaration was sought in the civil suit and the same is pending for adjudication before the competent civil court, the respondent police have no right whatsoever to interfere.

3. The learned Government Advocate (Criminal side), on instructions, would submit that there is no such harassment and the respondent police would not interfere with the civil dispute.

4. I have heard the learned counsel appearing on either side.

5. Considering the rival submissions made on both sides, the respondent is directed not to harass the petitioner under the guise of enquiry and since it is a case of land grabbing, the respondent police is entitled to investigate into the matter. But let the police investigate into the matter in accordance with law and the mandates as found set out in **D.K.Basu Vs. State of West Bengal reported in AIR (1997) SC 610**. If really, the respondent police want to interrogate, it is open for the police to issue summons to the petitioner. Thereupon, the petitioner shall appear before the police and submit himself for interrogation.

6. The Criminal Original Petition is disposed of with the above direction.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To,

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli District.
2. The Inspector of Police,
Kadayam Police Station, Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.J.Lawrance, Advocate Sr.No.66080
cm

AA/NGM-SS/AR-I/26.11.2015/2p-5c

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Order made in
CRL.OP. (MD) No.21651 of 2015
Dated:-18.11.2015