



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2015

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

Criminal Original Petition (MD) No.2290 Of 2015

S.Murugan

... Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Vallioor,
Tirunelveli District.

3.The Inspector of Police,
Koodankulam Police Station,
Koodankulam,
Tirunelveli District.

... Respondents

PRAYER: This petition is preferred under Section 482 Cr.P.C., to direct the respondent police not to harass the petitioner and his wife and not to interfere with the civil dispute exists between the petitioner and his brother.

For Petitioner : Mr.K.Mahendran

For Respondents : Mr.K.Anbarasu

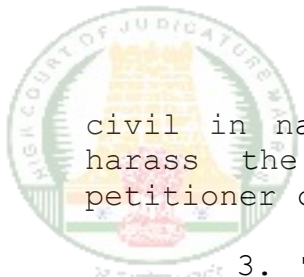
Government Advocate(Crl. Side)

For Intervenor : Mr.D.Venkatesh

ORDER

The petitioner approaches this Court with a prayer to direct the third respondent police not to harass the petitioner and his wife and not to interfere with the civil dispute exists between the petitioner and his brother.

2.Mr.K.Mahendran, learned counsel appearing for the petitioner would contend that the complainant namely S.Kamaraj, who is none other than elder brother of the petitioner, has filed a false complaint and based on which, the petitioner is being harassed by the third respondent police. He would further contend that based on the complaint given by the said Kamaraj, a case in Crime No.285 of 2014 was registered by the third respondent police for the alleged offence under Sections 448, 406 and 420 of I.P.C and apprehending arrest, the petitioner herein has also obtained anticipatory bail vide order, dated 10.02.2015 in Crl.O.P.No.19614 of 2014 and is complying with the conditions and he has also filed O.S.No.266 of 2014 on the file of the Court of District Munsif, Valliyoor, against his brother praying for permanent injunction and the suit is pending adjudication and since the matter is purely of



civil in nature, the third respondent has no business or authority to harass the petitioner under the guise of enquiry and hence, the petitioner came forward to file this petition.

3. The learned Government Advocate(Crl. Side) would submit that the third respondent is not interfering with the civil dispute between the petitioner and his elder brother and the said submission on instructions, is placed on record.

4. The learned counsel for the intervenor/elder brother of the petitioner would submit that the intervenor/Kamaraj has filed a civil suit in O.S.No.14 of 2015 praying for permanent injunction and obtained an order of ad-interim injunction restraining the petitioner from interfering with his peaceful possession and enjoyment of the property and the said interim order is in subsistence.

5. This Court after considering the rival submissions and in the light of the submission of the learned Government Advocate(Crl. Side) on instructions that the third respondent is not interfering with the civil dispute between the petitioner and his elder brother namely Kamaraj, is of the view that nothing survives for adjudication in this matter as on today. Therefore, this Criminal Original Petition is closed.

Sd/-
Assistant Registrar (T&P)

/True copy/

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Tirunelveli District, Tirunelveli.
- 2.The Deputy Superintendent of Police,
Vallioor, Tirunelveli District.
- 3.The Inspector of Police,
Koodankulam Police Station,
Koodankulam, Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to MR.D.VENKATESH, ADVOCATE IN SR : 6932

Pm

SR : 25.02.2015 : 2p/6c

Crl.O.P(MD) .No.2290 of 2015
13.02.2015