

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 19.01.2017

Coram

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Cr1.O.P.No.27408 of 2016

L.G.Shenbagarajan

.. Petitioner

Vs.

The Deputy Superintendent of Police,
Anti Land Grabbing Special Cell,
Namakkal,
Namakkal District.

.. Respondent

Prayer:- Criminal Original Petition filed under Section 482 Cr.P.C to direct the respondent police not to harass the petitioner under the guise of the complaint in the civil nature lodged by one Selvaraj, S/o.Palani Gounder.

For Petitioner :Mr.R.Aravind Raj

For Respondent :Mr.C.Emalias, APP

ORDER

This petition has been filed seeking a direction to the respondent not to harass the petitioner under the guise of the complaint lodged by one Selvaraj, S/o.Palani Gounder.

2.It is the case of the petitioner that he sold the property measuring to an extent of 3416 sq.ft. in S.Nos.186/3F and 186/4F situated at Elanthakottai Village, Kumarapalayam Taluk, Namakkal District to one Selvaraj S/o.Palani Gounder through a sale deed bearing Document No.1460 of 2005 dated 02.05.2005 on the file of the Sub Registrar Office, Kumarapalayam, for valid sale consideration. While so, he received a legal notice dated 24.02.2016, sent by his purchaser Selvaraj, stating that wrong extent has been mentioned in the sale deed. To which, the petitioner sent his reply. However, the said Selvaraj lodged a complaint to the respondent. Pursuant to the same, the petitioner was called for enquiry. Accordingly, on 02.11.2016, he appeared before the respondent and produced all the documents relating to the property in question. Despite the

same, the respondent compelled the petitioner to pay the money for the deficit land. When the petitioner failed to do so, the respondent is harassing the petitioner by threatening to foist a false case against him. Therefore, he has come up with the present petition for the aforesaid relief.

3.Learned counsel for the petitioner submitted that the issue involved is civil in nature. However, the respondent is unnecessarily harassing the petitioner under the guise of the complaint lodged by the said Selvaraj.

4.Additional Government Pleader, who took notice for the respondent, on instructions, submitted that there was no harassment caused by the respondent, as alleged by the petitioner.

5.Considering the facts and circumstances of the case and also perusing the records, this Court is of the opinion that the dispute between the parties is purely civil in nature. Therefore, the respondent is directed not to harass the petitioner, under the guise of enquiry. The respondent is also directed to advise the parties to approach the competent civil court so as to get the matter amicably settled. Accordingly, this Criminal Original Petition is disposed of.

sd/
Assistant Registrar(CS-III)

/true copy/

Sub Assistant Registrar

rk

To

1.The Deputy Superintendent of Police,
Anti Land Grabbing Special Cell,
Namakkal,
Namakkal District.

2.The Public Prosecutor, High Court, Madras-104.

+1cc to Mr.R.Aravind Raj,Advocate SR.No.3779.

Cr1.OP.No.27408 of 2016

KSJ(CO)
GN(07/02/2017)