



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:04.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.11643 of 2017

Subramanian

... Petitioner

-Vs-

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

2.The Deputy Superintendent of Police,
Sivakasi,
Virudhunagar District.

3.The Inspector of Police,
Sivakasi Town Police Station,
Sivakasi,
Virudhunagar District.

4. A.C.A.C.Thangachamy

5. Vishak

6. Gaja

... Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the third respondent not to interfere in the civil dispute further harassing the petitioner under the guise of enquiry.

For Petitioner : Mr.A.Sivaji

For R-1 to R-3 : Mr.C.Ramesh,

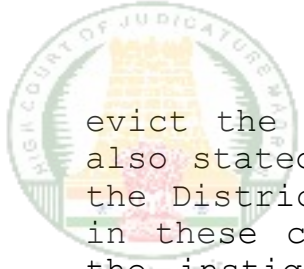
Additional Public Prosecutor.

ORDER

This Criminal Original petition is filed for issuing a direction to the third respondent not to interfere in the civil dispute and not to harass the petitioner under the guise of enquiry.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 to 3.

3. It is stated that the petitioner is in possession of the premises as Lessee and that the fourth respondent was making threat for unlawful eviction. It is further stated that the petitioner filed a civil Suit in O.S.No.256 of 1999 before the Subordinate Court, Sivakasi, for injunction against the fourth respondent not to



evict the petitioner otherwise than by due process of law. It is also stated that he filed a petition in R.C.O.P.No.6 of 2000 before the District Munsif Court, Sivakasi, for depositing of rent. It is in these circumstances, it is stated that the third respondent at the instigation of the private respondents has registered a case against the petitioner and that the petitioner is put to harassment. The petitioner himself admits that he is only a tenant in respect of the suit properties.

4. It appears that the dispute is purely civil in nature and that therefore, the third respondent need not entertain the complaint involving disputed question of fact relating to lawful possession of the property. It is therefore necessary to hold that the third respondent need not harass the petitioner under the guise of any enquiry. Even if the presence of the petitioner is required for any enquiry, the same shall be done only after issuing summons prescribing date and time and in the manner known to law. The petitioner is directed to pursue his civil Suit and seek Interim Injunction to protect his possession by proving his physical possession.

5. With the above observation, the Criminal Original petition is closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

TO Sub Assistant Registrar

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

2.The Deputy Superintendent of Police,
Sivakasi, Virudhunagar District.

3.The Inspector of Police, Sivakasi Town Police Station,
Sivakasi, Virudhunagar District.

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

+1cc to Mr.A.SIVAJI Advocate in SR. No.76378

PMU

JS/SV.MMS/SAR.2/13.09.2017/2P-6C