



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:04.10.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDARCRL.O.P.(MD)No.12696 of 2017

WEB COPY

Charles

: Petitioner

-Vs-

1.The Commissioner of Police,
Trichy City, Trichy.

2.The Assistant Commissioner of Police,
Cantonment Limit,
Trichy City, Trichy.

3.The Inspector of Police,
K.K.Nagar Police Station,
Trichy.

4.Samanasu

: Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, praying to direct the first respondent to give suitable direction to the 2nd and 3rd respondent not to involve or interfering in the civil dispute among the petitioner and the 4th respondent with regard to the shop premises which is fully in the nature of civil and not to harass the petitioner on the basis of the complaint given by the 4th respondent.

For Petitioner

: Mr.S. Balaji

For Respondents 1 to 3

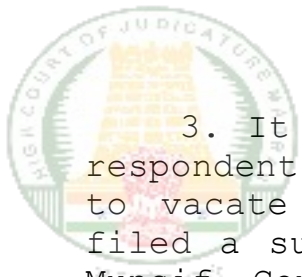
: Mr.K.S. Duraipandian

Government Advocate(Crl.Side)

O R D E R

This petition is filed for issuing a direction to the first respondent to give suitable directions to the respondents 2 and 3 not to involve or interfere with the civil dispute between the petitioner and the 4th respondent in respect of shop premises and not to harass the petitioner on the basis of the complaint given by the 4th respondent.

2. Heard the learned counsel appearing for the petitioner and Mr.K.S.Duraipandian, learned Additional Public Prosecutor appearing for the respondents 1 to 3.



3. It is stated that the petitioner is a tenant under the 4th respondent. It is further stated that the petitioner was forced to vacate the premises of the 4th respondent and therefore, he filed a suit in O.S.No.1124 of 2016 on the file of the District Munsif Court, Trichy and also filed I.A.No.554 of 2016, for injunction restraining the 4th respondent from interfering with the possession otherwise than by due process of law. It is further stated by the petitioner that the 4th respondent has lodged a complaint before the 3rd respondent and that the 3rd respondent is harassing the petitioner to vacate the demised premises. In these circumstances, the petitioner has come forward with this petition.

4. The dispute between the petitioner and the 4th respondent appears to be purely civil in nature. The petitioner has produced certain photographs to show that the 4th respondent is causing obstructions to the petitioner to enjoy the demised premises peacefully.

5. Having regard to the facts, this Court is inclined to the pass the following directions:

(i) It is open to the petitioner to approach the civil Court. However, the 3rd respondent shall not interfere with the possession or enjoyment of the property even if the possession of the petitioner is objectionable.

(ii) The 4th respondent may be directed to approach the civil Court for appropriate relief.

(iii) The petitioner need not be harassed in connection with the civil dispute between the petitioner and the 4th respondent.

(v) If the 4th respondent has lodged a complaint against the petitioner for any cognizable offence the same can be dealt with in accordance with law. Even if the presence of the petitioner is required for any enquiry the same can also be done only by issuing summons in the manner prescribed in law.

6. With the above direction the Criminal Original Petition is disposed of .

Sd/-

Assistant Registrar(Writs)

/True Copy/

Sub Assistant Registrar

To

1.The Commissioner of Police,
Trichy City, Trichy.

2.The Assistant Commissioner of Police,
Trichy City, Trichy.



3.The Inspector of Police,
K.K.Nagar Police Station,
Trichy.

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

+1cc to M/S.S.BALAJI, Advocate SR.No.81524

trp

MAS/SKN-RSK/SAR2:13.10.2017:3P-6C

CRL.O.P. (MD) No.12696 of 2017
04.10.2017