



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.10.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.OP.(MD)No.13821 of 2017

Alexander

... Petitioner

Vs.

1. The State rep. by,
The Inspector of Police,
Kuttralam Police Station,
Tirunelveli District.

2. S.Kanthasamy

... Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the first respondent not to involve or interfere in the civil dispute between the petitioner and the second respondent in claiming right of the property which is fully in the nature of civil forthwith and also abstaining them from harassing the petitioner in this regard.

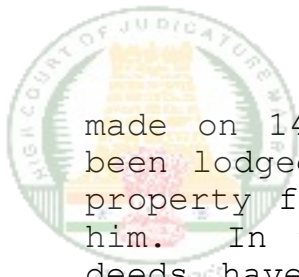
For Petitioner	: Mr.B.Jeyakumar
For R-1	: Mr.K.S.Durai Pandiyan, Additional Public Prosecutor.

O R D E R

This Criminal Original petition is filed for issuing a direction to the first respondent not to involve or interfere in the civil dispute between the petitioner and the second respondent in claiming right of the property which is fully in the nature of civil forthwith and also abstaining them from harassing the petitioner in this regard.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the first respondent.

3. Learned counsel for the petitioner admits that he had earlier sold the property which is a subject matter of the Suit in O.S.No.88 of 2015 to one Dhanapal and that the said Dhanapal had sold the property to the second respondent. It is further stated that the transfer of the property in favour of the said Dhanapal was



made on 14.06.2010 and that after so many years, a complaint has been lodged by the second respondent alleging that he purchased the property from the petitioner and that the petitioner has defrauded him. In the Suit, the plaintiff has stated that successive sale deeds have been created fraudulently by forging revenue records. The petitioner has not produced copy of the complaint. The nature of dispute does not appear to be purely civil.

4. It is alleged that the petitioner received a sum of Rs.22 Lakhs from the second respondent as sale consideration for the property. The further contentions of the petitioner in the petition does not go well with the submission of the learned counsel for the petitioner with regard to the nature of dispute between the petitioner and the second respondent.

5. Be that as it may, if the first respondent received any complaint from the second respondent or from any one and it discloses a cognizable offence, the first respondent shall proceed to register the complaint and to deal with the case in accordance with law. Even if the presence of the petitioner is required for any enquiry, the same can also be done only after issuing summons prescribing date and time and in the manner known to law and following the guidelines issued by the Hon'ble Supreme court, in the case of **D.K.Basu Vs. State of West Bengal**.

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

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Kuttralam Police Station,
Tirunelveli District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO Mr.B.JEYAKUMAR, ADVOCATE IN SR No. 82508

PMU

TE/SKN-RSK/SAR-2 : 31/10/2017 : 2P/4C

<https://hcservices.ecourts.gov.in/hcservices/>

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