



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:20.10.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.14031 of 2017

M.Palanivel

: Petitioner

-Vs-

1.The Inspector of Police,
Thallakulam Law and Order Police Station,
Madurai.

2.P. Thangeswari

: Respondents

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, to direct the first respondent herein not to harass the petitioner in the name of enquiry.

For Petitioner : Mr.K.Manikandan

For 1st Respondent : Mr.K.S.Duraipandian

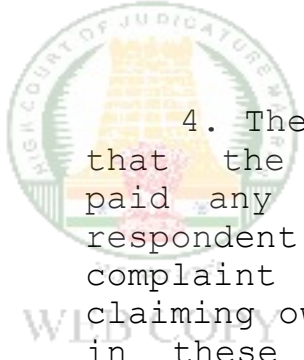
Additional Public Prosecutor

ORDER

This petition is filed for issuing a direction to the first respondent herein not to harass the petitioner in the name of enquiry.

2. The petitioner states that he has entered into a oral mortgage deed for a sum of Rs.60,000/- in respect of ½ portion on the southern side of the property which belong to the second respondent. It is the further case of the petitioner that the petitioner is in possession of the portion of the building belonging to the second respondent based on the agreement. The agreement produced by the petitioner before this Court is not a registered document and that the document cannot be taken as a valid mortgage deed or lease deed. Hence, the contention is that he is entitled to be in possession till some money is paid to him and that he need not pay any rent cannot be taken on the basis of the records produced by the petitioner before this Court.

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



4. The complaint lodged by the second respondent clearly shows that the petitioner is residing as a tenant and that he has not paid any rent after the death of the husband of the second respondent. It is further stated by the second respondent in the complaint that the petitioner is threatening the complainant by claiming ownership over the property to grab her property. It is in these circumstances, the complaint lodged by the second respondent clearly discloses the offences for which the first respondent is expected to take action. The dispute between the petitioner and the second respondent is not purely civil in nature. As a matter of fact, the petitioner is making an attempt to grab the land of the second respondent on the basis of unregistered documents which are not even admissible in evidence.

5. In such circumstances this Court does not find any merit or bonafides in this petition. Hence, the Criminal Original Petition is dismissed.

Sd/-
Assistant Registrar (Writs)

/True Copy/

Sub Assistant Registrar

To

- 1.The Inspector of Police,
Thallakulam Law and Order Police Station,
Madurai.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

TRP
TE/SV-MMS/SAR-II : 02/11/2017 : 2P/3C

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