



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.12.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.15951 of 2017

1.A.B.Veerapathiran
2.Muthusamy

... Petitioners

-Vs-

State rep. By,
1.The Inspector General of Police,
Central Zone, Trichy.

2.The Superintendent of Police,
Trichy District, Trichy.

3.The Inspector of Police,
Anti Land Grabbing Special Cell,
Trichy - 20.

... Respondents

PRAYER: Criminal Original petition filed under Section 482 of Criminal Procedure Code, to direct the third respondent and his officials not to harass the petitioners unnecessarily against law under the guise of enquiry on the basis of the petitioner's complaint dated 16.09.2017 made to the second respondent.

For Petitioners : Mr.A.Joel Paul Antony

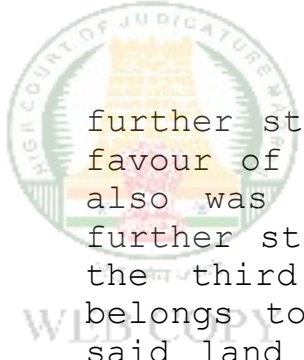
For Respondents : Mr.K.S.Durai Pandian,
Additional Public Prosecutor

O R D E R

This Criminal Original petition is filed for a direction to the third respondent and his officials not to harass the petitioners unnecessarily against law under the guise of enquiry on the basis of the petitioner's complaint dated 16.09.2017 made to the second respondent.

2. Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondents.

3. The learned counsel for the petitioner states that the property comprised in Survey No.124/7B measuring to an extent of 0.12.00 Acres and 36 Cents (36/100 cents) is situated at Sevanthalingapuram Village, Musiri Taluk, Trichy District and that the first petitioner is the absolute owner as it is his of the ancestral property. It is



further stated that the first petitioner executed a sale deed in favour of the second petitioner on 26.10.2015 and that the patta also was changed in the name of the second petitioner. It is further stated that one Ponnurangam gave a false complaint before the third respondent police alleging that the said property belongs to him and that the petitioners are trying to grab the said land from the said Ponnurangam. It is further stated that the third respondent police after enquiry closed the complaint, as the de-facto complaint has not produced any records. The petitioners further stated that the first petitioner is aged and that he is taking treatment from the hospital. It is in these circumstances, the petitioners stated that under the guise of enquiry, the petitioners ought not to have harassed by the third respondent. The petitioners have not impleaded the person who has given the complaint as against the petitioners.

4.The petitioners have not produced any material to show that the property was registered in the name of the petitioner's predecessors-in-interest. Except the sale deed and the computer patta that is obtained recently, no other document to prove the title of the first petitioner to show that the property is the ancestral property of the first petitioner is produced. From the documents now available before this Court, this Court or even Civil Court cannot decide as to the title of the petitioner or the person who is making a rival claim. In these circumstances, a direction of this Court to the police not to harass the petitioner is likely to be interpreted to the prejudice of other. Hence, this Court is not inclined to pass any direction. Accordingly, this Criminal Original Petition is dismissed. However, it is open to the petitioner to approach the Civil Court for an appropriate relief. The petitioners also can seek police protection if their possession is sought to be interfered with by strangers who have no right over the property in dispute.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

- 1.The Inspector General of Police, Central Zone, Trichy.
 - 2.The Superintendent of Police, Trichy District, Trichy.
 - 3.The Inspector of Police, Anti Land Grabbing Special Cell, Trichy - 20.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1CC to Mr.A.Joel Paul Antony, Advocate, SR.No. 91580

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