



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 29.11.2017

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR
CRL.OP.(MD).No.16332 of 2017

S.Asmathullah

. . . Petitioner

Vs.

1. Syed Ahamed
2. Rilwanudeen
3. Hasan Aliyar

4. The Inspector of Police,
Bazar Police Station,
Ramanathapuram.

. . . Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to issue a direction to the fourth respondent not to harass the petitioner by entertaining false complaints submitted by the respondents 1 to 3 without proper enquiry and to face the civil suit No.37 of 2017 on the file of the District Court, Ramanathapuram by the first respondent.

For Petitioner : Mr.M.MD. Ibrahim Ali
For R-4 : Mr.K.S. Durai Pandiyan,
Additional Public Prosecutor.

ORDER

This Criminal Original petition is filed for issuing a direction to the fourth respondent not to harass the petitioner by entertaining false complaints submitted by the respondents 1 to 3 without proper enquiry and to face the civil Suit in O.S.No.37 of 2017 on the file of the District Court, Ramanathapuram by the first respondent.

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

3. It is stated that the petitioner and his four friends jointly purchased a land measuring an extent of 1.01 Acre in Town Survey No.24 at Ramanathapuram Town and District from its rightful owner N.Kumaran Sethupathy under the registered Document No.207, dated 09.04.2015. It is further submitted that Patta for the land was issued to the name of the petitioner and his four friends and that entries in the Town Survey filed have been changed to the name of the petitioner and other purchasers. Stating that the



petitioner and others are in lawful possession of the property, the petitioner claims absolute title in respect of the property.

4. It is the case of the petitioner and his four friends is that they are the owners of the property and that the proceedings under Section 145 of Cr.P.C., is also pending. It is further stated that the dispute is purely in civil nature and that the fourth respondent is unnecessarily harassing the petitioner under the guise of a false complaint submitted by respondents 1 to 3 and that a Suit has also been filed by the defacto Complainant in O.S.No.37 of 2017 on the file of the District Court, Ramanathapuram for declaration of title and for other consequential relief including to declare the sale deed upon the petitioner and others as null and void.

5. From the contentions raised by the petitioner in this petition and the facts that are stated in the plaint in O.S.No.37 of 2017, the defacto complainant claiming title on the basis of the sale deeds emanated from the original owners on 03.11.1959 and subsequent alienations to several properties. The sale deed obtained by the petitioner and others appears to be created encumbrance and to make the property litigious with an ulterior motive and that therefore, the criminal complaint lodged by the defacto complainant should be dealt with in the manner known to law. When there is a dispute in relation to the property which is allegedly in the enjoyment of the petitioner, it is open to the petitioner to approach the civil Court for appropriate relief. The attempt of the petitioner in this case appears to be to get an order only for the purpose of creating some evidence by Court orders so as to make the property litigious and to complicate the issues. This Court does not find any *bona fides* in this petition. Hence, the Criminal Original petition is dismissed.

Sd/-

Assistant Registrar(RTI)

/True copy/

Sub Assistant Registrar

To

1. The Inspector of Police,
Bazar Police Station,
Ramanathapuram.

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

+1cc to Mr.M.MD.IBRAHIM ALI,Advocate,SR.90109

CRL.OP.(MD).No.16332 of 2017
29.11.2017

PMU/PNN