



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.OP.(MD) No.16562 of 2017

1.P.Jeyamani
2.J.Parameshwari
3.A.Ramalingam @ Pandi : Petitioners/Petitioners

Vs.

1. The State represented by
The Inspector of Police,
Sellur Police Station (Law and Order),
Sellur, Madurai.
2. Muthupetchi : Respondents/Complainants

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the first respondent not to harass the petitioners and their family members.

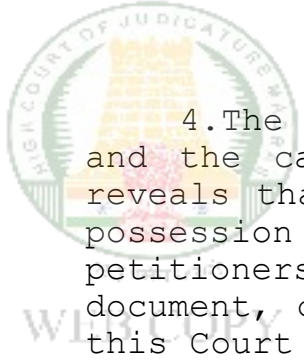
For Petitioners : Mr.N.Balakrishnan
For R1 : Mr.K.S.Durai Pandian
Additional Public Prosecutor

ORDER

The Criminal Original Petition is filed to direct the first respondent not to harass the petitioners and their family members.

2.It is the case of the petitioners that the first and second petitioners are the husband and wife and they were residing in a building, which was constructed in the land belongs to Arulmigu Thandapani Swamigal Thirukovil and that the petitioners are paying ground rent to the temple. The third petitioner is stated to be the neighbor of the first and second petitioners.

3.The learned Additional Public Prosecutor has produced the complaint lodged by the second respondent as against the petitioners. The nature of the complaint given by the second respondent is that she is the owner of the building, where the petitioners are residing and that the petitioners are troubling her and are creating problem for her peaceful enjoyment, taking advantage of the fact that she was temporarily absent for a short period.



4. The nature of the complaint given by the second respondent and the case of the petitioners in the present petition clearly reveals that there exist a civil dispute with regard to the lawful possession and enjoyment. Having regard to the fact that the petitioners are not in a position to produce any authenticated document, claiming ownership or title over the property in dispute, this Court is not inclined to entertain this petition. Accordingly, the criminal original petition is dismissed. However, it is open to the petitioners to approach Civil Court for appropriate relief. Having regard to the nature of the complaint, the first respondent is directed not to harass the petitioner. Since the complaint given by the second respondent makes out a cognizable offences, it is open to the respondent police to register the case and proceed further in accordance with law.

Sd/-
Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To

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

CMR

TE/GT/SAR-1 : 22/12/2017 : 2P/3C

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