



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2017

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

Crl.O.P.(MD) No.3621 of 2017

WEB COPY

1.S.Chithra
2.K.Saraswathi

: Petitioners

-vs-

1.The Superintendent of Police,
Sivagangai District,
Sivagangai.

2.The Deputy Superintendent of Police,
Karaikudi, Sivagangai District.

3.The Inspector of Police
Pallathur Police Station,
Sivagangai District.

4.Chidambaram : Respondents

Prayer: Petition is filed under Section 482 of Code of Criminal Procedure praying to direct the 3rd respondent police not to interfere with the civil dispute based on the representation of the petitioners dated 26.02.2017.

For Petitioners : Mr.R.Narmathan

For Respondents : Mr.A.P.Balasubramani for R1 to R3
Government Advocate (Crl. Side)

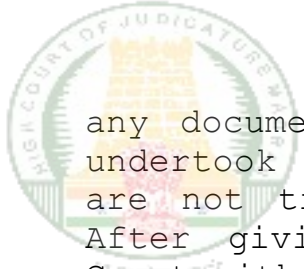
O R D E R

On the complaint lodged by A.K.Chidambaram against the petitioners herein, the third respondent called the petitioners for enquiry and at that juncture, the petitioners are before this Court with the above prayer.

2.Heard the learned counsel for the petitioners and the learned Government Advocate for the respondents 1 to 3.

3.The learned counsel for the accused submitted that the dispute is essentially civil in nature and that the third respondent is acting in part song manner by supporting the 4th respondent.

4. The learned Government Advocate (Crl. side) submitted that Chidambaram lodged the complaint that the petitioners are putting up fence in his property. On that complaint, the police called for enquiry and the petitioners stated that the properties in question belongs to them, but they did not produce



any documents in support of their claim. The petitioners also undertook to produce the title to the property to show that they are not trespassing into the property of the said Chidambaram. After giving undertaking, the petitioners have rushed to this Court with the above prayer.

5. The learned counsel for the petitioners submitted that in a case of this nature, the police have no role to play. I am unable to countenance this submission of the learned counsel for the petitioners, because, when some one enters into another person's house or property and attempt to trespass and take possession, the victim cannot be asked to rush to the civil Court for relief and he is entitled to approach the police for giving him protection to his life and property. Only in those circumstances, Chidambaram had given the complaint against the petitioners and the police are duty bound to conduct enquiry on the complaint of Chidambaram, in the light of the law laid down by the Hon'ble Supreme Court in **Lalitha Kumari vs. Govt. of U.P & others [2013 (4) Crimes 243 (SC)]**. If the petitioners do not cooperate with the police for enquiry, it is always open to the police to register a regular case against the petitioners and proceed against them in accordance with law. Under such circumstances, the relief as claimed by the petitioners cannot be granted. Accordingly, the petition stands dismissed.

Sd/-

ASSISTANT REGISTRAR (Co)

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To:

1. The Superintendent of Police,
Sivagangai District,
Sivagangai.
2. The Deputy Superintendent of Police,
Karaikudi, Sivagangai District.
3. The Inspector of Police
Pallathur Police Station,
Sivagangai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC TO MR.M.P.SENTHIL,ADVOCATE,SR NO.18422

RR

MAS/JC:04.05.2017:2P-6C

Order made in
Crl.O.P. (MD) No.3621 of 2017
Dated: 28.03.2017