



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.06.2017

CORAM

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THE HONOURABLE MR. JUSTICE A.M.BASHEER AHAMEDCrI.O.P.(MD)No.5482 of 2017

Krishna Rajan

: Petitioner

Versus

- 1.State Rep.by,
The Superintendent of Police,
Nagercoil,
Kanyakumari District.
- 2.The Deputy Superintendent of Police,
Kanyakumari,
Kanyakumari District.
- 3.The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari district.
- 4.The Sub Inspector of Police,
Kanyakumari Police Station,
Kanyakumari District.
- 5.Mathewkutty Joseph
- 6.Sony Thomas,
- 7.SanJose Kalloor
- 8.Sam Tom

: Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying to direct the second to fourth respondents herein not to interfere in the civil dispute of the Petitioner's family properties comprised in old survey No.106C correlated to R.S.No.606/10, and R.S.No.606/11.

For Petitioner : Mr.N.S.Rama Krishnadass
For Respondents : Mr.K.Anbarasan,
R1 to 4 Government Advocate (CrI. Side)

*****O R D E R

Heard both sides.

2. The learned counsel appearing for the petitioner would
<https://hcservices.courts.gov.in/hcservices/>
petitioner and his family members is pending before the learned
II Additional Subordinate Judge, Nagercoil. He would further



submit the respondents 5 to 8 are the Additional land owners and they have filed a petition to implead themselves as parties to the suit and the same is pending.

3. The learned Government Advocate (Crl. Side) appearing for the respondents 2 to 4 submitted that the respondents 2 to 4 will not interfere with the property of the petitioner and his family members.

4. Recording the statement of the learned Government Advocate (Crl. Side), this court is inclined to direct the respondents 2 to 4 herein not to interfere with the civil dispute of the petitioner's family properties. Further, the respondents 2 to 4 are also directed not to harass the petitioner and his family members under the guise of enquiry, but let the police investigate into the matter in accordance with law and the mandates as found set out in *D.K.Basu Vs. State of West Bengal* reported in AIR (1997) SC 610. If really, the police want to interrogate, it is open for the police to issue summons to the petitioner. Thereupon, the petitioner shall appear before the police and submit himself for interrogation.

4. With the above direction, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-III)

/True Copy/

Sub-Assistant Registrar

To

1. The Superintendent of Police,
Nagercoil,
Kanyakumari District.
 2. The Deputy Superintendent of Police,
Kanyakumari,
Kanyakumari District.
 3. The Inspector of Police,
Kanyakumari Police Station,
Kanyakumari district.
 4. The Sub Inspector of Police,
Kanyakumari Police Station, Kanyakumari District.
 5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai
- +One cc to Mr.N.R.Ramakrishnadass, Advocate, SR.No.58072

trp/rmk

RL/7C/2P/MR/SAR1/8.6.2017