



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2017

CORAM

WEB COPY

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

Crl.O.P.(MD) No.7950 of 2017

- 1.Wilson Sam Packiya Dhas
- 2.Mrs.Punitha
- 3.Viwin @ Viwin John Thankaraj

: Petitioners

-vs-

1. The Superintendent of Police,
Kanyakumari District, Nagercoil.
2. The Deputy Superintendent of Police,
Kanyakumari Division,
Kanyakumari.
3. The Inspector of Police,
Suchindram Police Station,
Suchindram,
Kanyakumari District.
4. The Sub Inspector of Police,
Suchindram Police Station,
Suchindram,
Kanyakumari District.

5. G.Ponsri

: Respondents

Prayer: Petition is filed under Section 482 of Code of Criminal Procedure praying to issue a direction directing the respondents 2 to 4 to discontinue their interference in the civil issue with regard to the ownership of the machineries being used in the manufacturing unit between the petitioners and 5th respondent till the adjudication by the competent Civil Court wherein the subject matter is subjudice as O.S.No.140 of 2016 and O.S.No.244 of 2016 on the file of the learned Additional District Munsif, Nagercoil, Kanyakumari District.

For Petitioners : Mr.S.Palanivelayutham

For R1 to R4 : Mr.K.Anbarasan

Government Advocate (Crl.side)

**ORDER**

This petition has been filed by the petitioner to direct the respondents 2 to 4 to discontinue their interference in the civil issue with regard to the ownership of the machineries being used in the manufacturing unit between the petitioners and 5th respondent till the adjudication by the competent Civil Court wherein the subject matter is subjudice as O.S.No.140 of 2016 and O.S.No.244 of 2016 on the file of the learned Additional District Munsif, Nagercoil, Kanyakumari District.

2. Heard Mr.S.Palanivelayutham, learned counsel appearing for the petitioners and Mr.K.Anbarasan, learned Government Advocate, appearing for the respondents 1 to 4.

3. The learned Government Advocate (Crl. side), on instructions, submitted that the petitioners are the accused in Crime NO.236/2017.

4. In the light of the law laid down by this Court in **Dorand v. The Superintendent of Police, Nagercoil [2016(2) CTC 286]**, the prayer of the petitioners cannot be granted. Hence, this Criminal Original Petition is closed with liberty to the petitioners to work out their remedies in the manner known to law.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To:

1. The Additional District Munsif,
Nagercoil,
Kanyakumari District.
2. The Superintendent of Police,
Kanyakumari District,
Nagercoil.
3. The Deputy Superintendent of Police,
Kanyakumari Division,
Kanyakumari.
4. The Inspector of Police,
Suchindram Police Station,
Suchindram,
Kanyakumari District.



5. The Sub Inspector of Police,
Suchindram Police Station,
Suchindram,
Kanyakumari District.

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

RR

TE/KP/SAR-III : 11/07/2017 : 3P/7C

Order made in
Crl.O.P.(MD) No.7950 of 2017
28.06.2017