



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.07.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

Crl.O.P.(MD).No.8297 of 2017

Arulmary

.. Petitioner

Vs.

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

2.The Inspector of Police,
Shenkottai Police Station,
Tirunelveli District.

3.The Sub-Inspector of Police,
Puzhiyarai Police Station,
Tirunelveli District.

4.Kennedy

5.Sudharani

.. Respondents

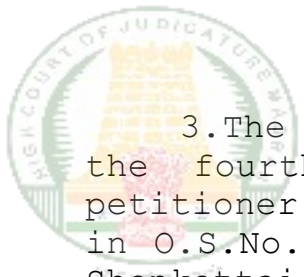
PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the respondent police not to interfere in the civil dispute in connection with the order in I.A.No.164 of 2016, in O.S.No.59 of 2016, on the file of the District Munsif Court, Shenkottai.

For Petitioner : Mr.P.T.Thiraviam
For Respondents 1 to 3 : Mr.K.Anbarasan
Government Advocate
(Criminal side)

ORDER

This petition is filed seeking a direction to the respondents 1 to 3 not to interfere in the civil dispute in connection with the order in I.A.No.164 of 2016 in O.S.No.59 of 2016, on the file of the District Munsif Court, Shenkottai.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondents 1 to 3.



3. The learned counsel for the petitioner submits that since the fourth respondent is trying to take possession of the petitioner's house, the petitioner was constrained to file a suit in O.S.No.59 of 2016 on the file of the learned District Munsif, Shenkottai and obtained order of *status quo* in favour of the petitioner in I.A.No.164 of 2016, in O.S.No.59 of 2016. However, the fourth respondent has trespassed into the petitioner's house and illegally disconnected the electricity service connection apart from damaging the household articles. Therefore, the petitioner gave a complaint to the third respondent. However, the third respondent did not take any action or take any steps to register the FIR. Even the complaint was registered only as per the direction of the learned Judicial Magistrate cum District Munsif, Shenkottai under Section 425, 442, 294(b) and 506(ii) of IPC. After the registration of FIR, the fourth respondent is trying to dispossess the petitioner with the help of the third respondent police.

4. In this case, the petitioner has to establish his lawful possession only before the Civil Court, and only if the Civil Court grant an order of injunction, the petitioner will be justified in claiming to be in possession as a matter of fact. In this case, the Civil Court has also granted only an order of *status quo*, which means the Civil Court is not in a position to accept the *prima facie* case in favour of the petitioner to hold that the petitioner is in possession.

5. In such circumstances, any order passed by this Court in this petition is likely to affect the interest of the other. Further more, even in the present petition, the petitioner has stated that the fourth respondent has stealthily trespassed into the petitioner's house and illegally disconnected the electricity service connection. In such circumstance, since the matter is being purely civil in nature, this Court is not inclined to pass any order which is likely to affect the right of parties pending suit. However, the petitioner is given liberty to approach the Civil Court for getting appropriate orders. The Civil Court has got power to direct police protection, in case the petitioner is found to be in lawful or settled possession and if the Civil Court's order is not obeyed by the fourth respondent. However the respondent police shall not interfere and direct the parties to approach the Civil Court for appropriate relief.

6. With these observations, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CS-II)

/True copy/



To

1. The District Munsif, Shenkottai.

2. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

3. The Inspector of Police,
Shenkottai Police Station,
Tirunelveli District.

4. The Sub-Inspector of Police,
Puzhiyarai Police Station,
Tirunelveli District.

5. The Addl. Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

DAS/PJL

PSM/MR-KKR/SAR2/26.07.2017/3P/6C

CrI.O.P (MD) No.8297 of 2017
11.07.2017