



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.09.2017

CORAM

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Crl.O.P.(MD) No.8371 of 2017

Sellam

...Petitioner

-Vs-

1.The Superintendent of Police,
Trichirappalli.

2.The Deputy Superintendent of Police,
Musiri,
Trichy District.

3.The Inspector of Police,
Thathaiyengarpet Police Station,
Musiri Taluk, Trichy District.

4.Sivanandhi

...Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the third respondent police not to harass the petitioner.

For Petitioner	:Mr.V.Singan
For R1-R3	:Mr.K.Anbarasan
	Government Advocate (Crl. Side)
For R4	:Mr.K.Govindarajan

O R D E R

This Criminal Original petition has been filed for a direction to the third respondent not to harass the petitioner.

2.It is the case of the petitioner that the property in which the petitioner and his family are residing is the subject matter of appeal in A.S.No.16 of 2017 on the file of Additional Sub-Court, Trichirappalli. It is stated that though a suit filed by the fourth respondent in O.S.No.92 of 2006 on the file of the District Munsif Court, was decreed as prayed for, the petitioner has filed the appeal and that the appeal is pending.

<https://hcservices.courts.gov.in/hcservices> 3. It is stated that the fourth respondent is disturbed by the appeal now that is pending at the instance of the petitioner, it is stated that at the instance of the fourth respondent, the third



respondent police is unnecessarily harassing the petitioner by calling her to police station. It is further stated that the third respondent is also forcing the petitioner to compromise the civil litigations, across the table in the police station. It is in these circumstances, the petitioner alleging that the third respondent is interfering with the civil litigations, the present petition has been filed.

4.The Trial Court has granted decree by judgment and decree dated 20.10.2016. The decree granted in the Civil Court is for a declaration of title and a consequential injunction restraining the defendants 1 to 3 therein from interfering with the peaceful possession and enjoyment of the suit property.

5.The fourth respondent herein, is the plaintiff in the suit and the petitioner is the 8th defendant in the said suit. After suffering a decree for permanent injunction, the petitioner has not taken any steps to vacate the interim order granted by the Trial Court. In such circumstances, the contention of the petitioner that she is in possession over the property along with other family members, cannot be believed. In these circumstances, this Court prima facie is of the view that the petitioner is attempting to cover up her false claim that she is in possession and to see that the third respondent police does not come in the way of the petitioner and the family members claiming certain rights. It is open to the petitioner to pursue the appeal. Since the petitioner has not stated about the nature of her right and the scope of the appeal, no relief can be granted to the petitioner. In such circumstances, entertaining this petition will be nothing but abuse of process of law. Hence this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar.

To

- 1.The Superintendent of Police,Trichirappalli.
- 2.The Deputy Superintendent of Police, Musiri, Trichy District.
- 3.The Inspector of Police, Thathaiyengarpet Police Station,
Musiri Taluk, Trichy District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,Madurai.

+1CC to Mr.K.Govindarajan, Advocate, SR.No. 77418

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