

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2018

CORAM

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.OP.No.21156 of 2018

P.Palaniyammal

... Petitioner.

Vs.

1. State by

The Inspector of Police
Pallipalayam Town Police Station,
Pallipalayam,
Namakkal District.

2. Mrs.Punitha

Now Residing at
No.2, Pallipalayam Road,
Kaveri, R.S.Alambalayam (TP),
Tiruchengode Taluk,
Namakkal District.

... Respondents

[R2 is impleaded as per the order of this Court,
dated 19.09.2018 made in Crl.MP.No.12436/2018 in
Crl.OP.No.21156/2018]

PRAYER: Criminal Original Petition filed under Section 482
Cr.P.C to direct the respondent to hand over the house key and
further direct not to disturb the petitioner possession bearing
door No.2, Pallipalayam Road, Kaveri R.S., Alambalayam (TP),
Tiruchengode Taluk, Namakkal District.

For Petitioner : Mr.G.Murugendran
For R1 : Mr.C.Raghavan
Government Advocate (Crl.Side)
For R2 :Mr.N.Manokaran

ORDER

This Criminal Original Petition has been filed for direction
to the respondent police to hand over the house key and further
to direct not to disturb the petitioner's possession.

2. The learned Government Advocate (Crl.Side) appearing for the first respondent on instructions would submit that the police have enquired into the complaint given by the petitioner and the police do not want to interfere with the dispute among the parties.

3. The learned counsel appearing for the second respondent would submit that the petitioner is not in possession of the property and the relief as sought for by the petitioner cannot be granted by this Court.

4. This Court has carefully considered the submissions made on either side. Keeping in mind the nature of dispute that is involved in this case, it would be fit and proper for the police not to interfere in this case.

5. It is left open to the petitioner to establish her right over the property before the competent Civil Court and seek for the necessary relief. The police will have no role to play in the dispute that is pending between the parties.

6. Hence, this Criminal Original Petition is disposed of, by giving liberty to the petitioner to workout her remedy before the competent Court and seek for appropriate remedy.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

msrm/raja
To

1. The Inspector of Police,
Pallipalayam Town Police Station,
Pallipalayam,
Namakkal District.

2. The Public Prosecutor,
Madras High Court,
Madras.

+1cc to Mr.G.Murugendran, Advocate, S.R.No.79457

+1cc to Mr.N.Manokaran, Advocate, S.R.No.79301

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GSP(03/12/2018)