



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2018

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P.(MD)No.1032 of 2018

R.Haridass

... Petitioner

-vs-

1.The Superintendant of Police,
Ramanathapuram District.

2.The Inspector of Police,
District Crime Branch,
Ramanathapuram District.

3.The Inspector of Police,
Pamban Police Station,
Ramanathapuram District.

4.Jeevanantham

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the second and third respondents not to interfere with the civil dispute and not to harass the petitioner and their family members under the guise of enquiry.

For Petitioner : Mr.R.Jegadeeswaran
For R1 to R3 : Mr.Prabu Ramachandran
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, to direct the second and third respondents not to interfere with the civil dispute and not to harass the petitioner and their family members under the guise of enquiry based upon the complaint given by the fourth respondent.

2.The learned counsel appearing for the petitioner has submitted that already the fourth respondent has filed civil suit in O.S.No.15 of 2004, on the file of the learned District Munsif Court, Rameswaram and the same was dismissed and as against the said judgment and decree, the fourth respondent has filed an appeal in A.S.No.27 of 2007, before the learned Sub Court, Ramanathapuram and the same was also dismissed and subsequently, he has filed second appeal in S.A.No.512 of 2014 and the same is pending before this Court. He further submitted that since the fourth respondent failed to succeed in the civil suit, with a view to grab the properties, he



gave a false complaint before the second and third respondents and based upon the said complaint, the second and third respondents are compelling the petitioner to execute a sale deed in favour of the fourth respondent.

3.The learned Government Advocate (Crl.Side) has submitted that the complaint, which was given by the fourth respondent is now pending before the Inspector of Police, Anti Land Grabbing Special Cell, Ramanathapuram and for enquiry summons have been sent to both parties fixing the date on 22.01.2018, but the petitioner has not appeared, hence the matter is still pending.

4.Considering the aforesaid submissions, the petitioner is directed to appear before the Inspector of Police, Anti Land Grabbing Special Cell, Ramanathapuram and on such appearance the said Inspector of Police has to enquire the matter and if the enquiry reveals any cognizable offence, then it is open to him to register a case and proceed further in accordance with law. In case, the enquiry reveals only a civil dispute, he has to direct the parties to get appropriate remedy before the civil Court. During the enquiry, the petitioner should not be subjected to any harassment.

5.With the aforesaid observations, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1.The Superintendant of Police, Ramanathapuram District.

2.The Inspector of Police, District Crime Branch,
Ramanathapuram District.

3.The Inspector of Police, Pamban Police Station,
Ramanathapuram District.

4.The Inspector of Police, Anti Land Grabbing Special Cell,
Ramanathapuram.

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

+1CC to Mr.R.Jegadeeswaran, Advocate, SR.No. 43944

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