



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P.(MD)No.2250 of 2018

WEB COPY

Paulraj

... Petitioner

-Vs-

1.The Superintendent of Police,
O/o.The superintendent of Police,
Virudhunagar District.

2.The Inspector of Police,
Srivilliputhur Town Police Station,
Srivilliputhur, Virudhunagar District.

... Respondents

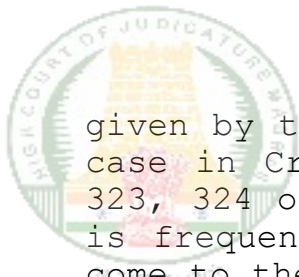
PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the respondent No.1 to strictly instruct the respondent no.2 for not to intervene into the civil dispute and not to harass the petitioner and his family members by considering his representation dated 03.01.2018 in accordance with law.

For Petitioner	: Mr.R.Alagumani
For Respondents	: Mr.Prabu Ramachandran, Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed to direct the second respondent not to intervene in the civil dispute and not to harass the petitioner and his family members.

2.The learned counsel for the petitioner has submitted that one Yasothai and Rajkumar have filed a suit in O.S.No.138 of 2007 against the petitioner herein and three others, on the file of the learned Additional District Munsif, Srivilliputhur for the relief of permanent injunction. The said suit was decreed on 05.01.2015. Against the same the petitioner herein and three others have filed an appeal in A.S.No.4 of 2015 on the file of the Sub Court, Sriviliputhur and also filed an application in I.A.No.8 of 2015, seeking interim stay. The learned Sub-Judge, after considering the petitioner's side contention, has granted interim stay and the appeal is still pending. He further submitted that the petitioner is in possession of the property in dispute and the opposite party tried to trespass into the said property and caused damages to the property and hence, the petitioner has lodged a complaint and based on that complaint, the second respondent has registered a case in Crime No: 704 of 2017 under Section 147, 294(b) and 506(i) I.P.C. r/w Section TNPPDL Act. He further submitted that based on the complaint



given by the opposite party the respondent has registered a counter case in Crime No.765 of 2017 under Section 147, 148, 341, 294(b), 323, 324 of 506(i) of I.P.C and that being so the second respondent is frequently visiting the petitioner's house and directing him to come to the police Station.

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3.The learned Government Advocate (Crl.side) has submitted that since already a case has been registered against the petitioner in Crime No.765 of 2017 under Sections 147, 148, 341, 294(b), 323, 324 and 506(ii) of I.P.C, only for investigation purpose, he was called for further enquiry and he was not subjected to any harassment.

4.Admittedly based upon the complaint given by the petitioner, a case has been registered in Crime No.764 of 2017 under Sections 147, 294(b), 506(i) r/w Section TNPPDL Act and a counter case also been registered against the petitioner herein in Crime No. 765 of 2017 under Sections 147, 148, 294(b), 323, 324 of I.P.C. Therefore, the second respondent has to follow the procedure as prescribed in police standing order 566(2), but the petitioner should not be subjected to any harassment.

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

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
O/o.The superintendent of Police,
Virudhunagar District.
- 2.The Inspector of Police,
Srivilliputhur Town Police Station,
Srivilliputhur, Virudhunagar District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.R.Alagumani, Advocate SR.No. 49513

C.R.L.O.P.(MD)No.2250 of 2018

das

<https://hcservices.ecourts.gov.in/hcservices/>
CM/SRN RSR/SAR 3/13.03.2018/2P/5C