



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

CRL.OP.(MD) No.240 of 2018

Sundara Gurulakshmi

... Petitioner

Vs.

1.The Superintendent of Police,
Theni District.

2.The Sub Inspector of Police,
Devaram Police Station,
Theni District.

3.Palkannan

... Respondents

PRAYER: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the second respondent not to interfere into the existing civil dispute between the petitioner and the third respondent under the guise of enquiry on the basis of the complaint of the third respondent.

For Petitioner : Mr.D.Venkatesh

For R1 and R2 : Mr.Prabu Ramachandran
Government Advocate (crl. Side)

For R3 : No appearance

ORDER

This Petition has been filed by the petitioner to direct the second respondent not to harass the petitioner under the guise of enquiry based on the complaint given by the third respondent.

2.The learned counsel for the petitioner submitted that already the petitioner has filed a suit in O.S.No.254 of 2017 on the file of the Subordinate Judge, Uthamapalayam, claiming right of cart track. He further submitted that the third respondent also filed a suit in O.S.No.92 of 2017, on the file of District Munsif, Bodinayakanoor, seeking permanent injunction. He further submitted that when civil suits are pending, the third respondent gave a false complaint before the second respondent, with a view to force the petitioner to dispose of the property and based on the said complaint the second respondent is harassing the petitioner.

3.The learned Government Advocate (Crl.Side) has submitted that based on the complaint given by the third respondent, the petitioner was called upon for enquiry, but the second respondent has not harassed the petitioner.

4.Considering the both side submissions the second respondent is directed to enquire with regard to the complaint given by the third respondent and if it is found that any cognizable offences is made out, then he can register a case and proceed in accordance with law and after enquiry if it is found that the dispute between the parties is civil in nature, then he can direct the parties to get appropriate remedies in the suits filed by them.

5.With the above said observations this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(CSIII)

/True Copy/

Sub-Assistant Registrar

To

1.The Superintendent of Police,
Theni District.

2.The Sub Inspector of Police,
Devaram Police Station,
Theni District.

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

+One cc to Mr.D.Venkatesh, Advocate, SR.No.41071

gsp/cp

RL/5C/2P/KK/SAR4/24/1/2018

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