



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.01.2018

CORAM:

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

CRL.O.P. (MD) No.378 of 2018

WEB COPY

- 1.M.V.Manoharan
- 2.M.V.Chandran
- 3.M.V.Sakthivel
- 4.C.Murugarasi
- 5.P.Chellapandi

... Petitioners

-vs-

- 1.State represented by
The Superintendent of Police,
O/o. The Superintendent of Police,
Madurai.

- 2.The Inspector of Police,
Land Grappling Wing,
Madurai District.
(Crime No. Not Known of 2017)

- 3.Mrs.Vasantha
Inspector of Police,
Land Grappling Wing,
Madurai District.

- 4.Joseph

... Respondents

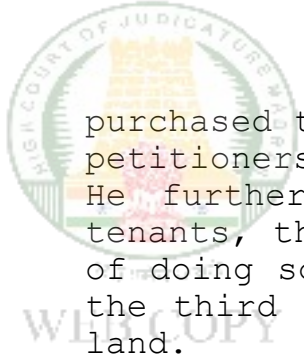
Prayer: Criminal Original petitions are filed under Section 482 of Criminal Procedure Code, to direct the first respondent herein to direct the third respondent Not to Harass the petitioners under the guise of enquiry on the basis of the petitioner's representation dated 22.12.2017.

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

ORDER

This Criminal Original Petition has been filed by the petitioners, to direct the third respondent not to harass the petitioners under the guise of enquiry, based on the complaint given by the fourth respondent.

2.The learned counsel appearing for the petitioners has submitted that the petitioners are tenants in respect of the land situated in Survey No.225/1, new Survey No.147/1A, 147/1B, Podumbu Second Bit Village, Madurai North Taluk, Madurai, with an extent of 2.65 acres. He further submitted that the fourth respondent has



purchased the said property in the year 2004 and trying to evict the petitioners by giving false complaint, before the third respondent. He further submitted that since the petitioners are cultivating tenants, they can be evicted only by due process of law but, instead of doing so, based on the complaint given by the fourth respondent, the third respondent is forcing the petitioners to vacate the said land.

3.The learned Government Advocate (Crl.side) submitted that after receiving the complaint from the fourth respondent, an enquiry has been conducted and he undertakes that if the enquiry reveals, that the dispute is with regard to civil dispute, then he will instruct the third respondent to dispose of the said complaint in accordance with law.

4.Recording the aforesaid submission, the third respondent is directed to conduct an enquiry without harassing the petitioners and if the enquiry reveals that any cognizable offence is made out, then she can register a case and proceed further in accordance with law. On the other hand, if she found that the dispute is only Civil in nature, direct the parties to approach the Civil Court for appropriate remedy.

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

Sd/-

Assistant Registrar(Crl side)

/True copy/

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
O/o. The Superintendent of Police, Madurai.
 - 2.The Inspector of Police,
Land Grappling Wing, Madurai District.
 - 3.Mrs.Vasantha
Inspector of Police,
Land Grappling Wing, Madurai District.
 - 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1cc to Mr.R.SENTHILKUMAR,Advocate,SR. 41387

CRL.O.P. (MD) No.378 of 2018
10.01.2018

SSS

KK/SV MMS/SAR 1/25.01.2018/ 2P- 6C/