



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.04.2018

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THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

CRL.O.P.(MD)No.5214 of 2018

1.Palanisamy
2.Pathirakali

: Petitioners

Vs.

1.The Superintendent of Police,
Dindigul District.
2.The Sub Inspector of Police,
Palani Taluk Police Station,
Dindigul District.

3. Kaliappan

: Respondents

Prayer:Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to direct the second respondent not to interfere in the existing civil dispute between the petitioners and the third respondent under the guise of enquiry based on the complaint of the third respondent.

For Petitioners : Mr.D.Venkatesh

For RR 1 & 2 : Mr.K.K.Ramakrishnan
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the second respondent not to interfere in the existing civil dispute between the petitioners and the third respondent under the guise of enquiry based on the complaint of the third respondent.

2. Heard the learned counsel appearing for the petitioners; learned Additional Public Prosecutor appearing for the respondents 1 & 2 and perused the materials placed on record.

3. The learned counsel appearing for the petitioner submitted that originally, the petitioners' father has filed a suit in O.S.No.116 of 1992, for permanent injunction. The said suit was decreed in favour of his father. In the meantime, the third respondent filed an execution petition in E.P.No.95 of 2009 in O.S.No.733 of 1993, on the file of the learned District Munsif, Palani, and the said execution petition was dismissed. He further submitted that now, the second respondent has threatening the petitioners to vacate the property.



4. The learned Additional Public Prosecutor on instructions, would submit that the petitioners have not co-operated for the enquiry. Therefore, the petition enquiry is pending before the second respondent and if the petitioners co-operate for the enquiry, the complaint will be enquired and if there is any cognizable offence is made out, the respondent police will proceed further in accordance with law. At this juncture, the learned counsel for the petitioners undertakes that the petitioners will co-operate for the enquiry.

5. In view of the above said submission and the undertaking given by the learned counsel appearing for the petitioners, the petitioners shall co-operate for the enquiry before the second respondent police along with the necessary documents. During the course of enquiry, if any cognizable offence is made out, the second respondent police shall take action in accordance with law. In case of closure of the complaint, a copy of the closure report be furnished to the petitioners within a week of such closure. On receipt of the same, it is open to the petitioners to work out their remedy in the manner known to law.

6. With the above direction, this Criminal Original Petition is disposed of .

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Dindigul District.

2.The Sub Inspector of Police,
Palani Taluk Police Station,
Dindigul District.

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

+1CC to Mr.D.Venkatesh, Advocate, SR.No. 60215

CRL.O.P. (MD) No.5214 of 2018
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PJL

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