



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.11.2017

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDARCrl.O.P.(MD).No.13963 of 2017

WEB COPY

Surilivel

... Petitioner

Vs.

1. The Commissioner of Police,
Madurai City,
Madurai.

2. The Assistant Commissioner of Police,
Law and Order,
Anna Nagar Circle,
Madurai City,
Madurai.

3.P.Rajendran

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the 2nd respondent not to interfere in the civil dispute of the petitioner with the 3rd respondent.

For Petitioner : Mr.S.M.A.Jinnah
For R1 & R2 : Mr.K.S.Durai Pandian
Additional Public Prosecutor.

O R D E R

This petition has been filed for issuing a direction to the second respondent not to interfere in the civil dispute of the petitioner with the third respondent.

2.The petitioner states that he has filed a suit for specific performance in O.S.No.88 of 2004 on the file of the III Additional Sub Court, Madurai and that the suit was dismissed and an appeal in A.S.No.27 of 2017 on the file of the VI Additional District Judge, Madurai is pending. The case of the petitioner is that the wife of the third respondent namely, one Indirani had entered into an agreement of sale with the petitioner on 11.12.2002 and received a sum of Rs.3,50,000/- (Three Lakhs Fifty Thousand only). Neither the agreement nor the Judgment in O.S.No.88 of 2004 is produced before this Court. Even, from the facts narrated by the petitioner, this Court does not find any *bona fide* in this petition. The petitioner does not claim any right over the property. The petitioner has filed the suit only for specific



performance of an agreement of sale as against an individual to enforce an agreement. The suit is dismissed, appeal is pending. Till the appeal is disposed of in favour of the petitioner, the petitioner has no right which can be recognized in law.

3. In these circumstances, absolutely there is no scope for entertaining this petition, on the apprehension of the petitioner that the second respondent is trying to interfere with the civil dispute. This Court is able to see that this petition is filed with an ulterior motive. Hence, this Criminal Original Petition is liable to be dismissed.

4. Accordingly the Criminal Original Petition is dismissed with cost of Rs.2,000/- (Rupees Two Thousand only) payable by the petitioner to the credit of The Chief Justice Fund, Madurai Bench of Madras High Court, Madurai.

5. Post the matter after two weeks for reporting compliance.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1. The Commissioner of Police,
Madurai City,
Madurai.

2. The Assistant Commissioner of Police,
Law and Order,
Anna Nagar Circle,
Madurai City,
Madurai.

Copy to:

1. The Section Officer,
Account Section,
Madurai Bench of Madras High Court,
Madurai.

2. The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

+ 1 CC TO MR.S.M.A.Jinnah, ADVOCATE IN SR No.85540

mm