



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2019

CORAM:

THE HONOURABLE **MR. JUSTICE N. SESHASAYEE**  
Crl.O.P.(MD)No.5128 of 2019

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Arul Crosper ... Petitioner  
/Vs./

1.The Superintendent of Police,  
Kanyakumari District, At Nagercoil.

2.The Inspector of Police,  
Thiruvattar Police Station, Kanyakumari District.

3.John Agasteen

4.Jeyaraj

5.Eskalan Vinni

...Respondents

**PRAYER:** Criminal Original Petition filed under Section 482 Cr.P.C to direct the second respondent and his subordinates not to interfere in the civil dispute.

For Petitioner : Mr.K.P.Narayanakumar  
For R-1 & R-2 : Mr.A.P.G.Ohm Chairma Prabhu  
Government Advocate (Crl. side)

### **ORDER**

The petitioner complains of harassment at the hands of the second respondent based on the complaint preferred by the private respondents namely the respondents 3 to 5 herein.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. side) appearing for the respondents 1 and 2.

3. The learned Government Advocate (Crl. Side) submitted that earlier the fifth respondent herein had moved a petition in Crl.O.P.(MD)No.1815 of 2019 seeking police protection on a perceived threat to his life, limb from the present petitioner and this Court, Vide its order dated 08.02.2019, has directed Deputy Superintendent of Police, Thuckalay to consider the same. The statement that there are criminal cases registered against both the parties at the instance of the other is also recorded in the said order. The learned Government Advocate (Crl. Side) further submitted that there is no interference by the second respondent in the civil rights of the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

4. The learned counsel appearing for the petitioner would now



submit that one of the residents had filed O.S.No.181 of 2016 against the petitioner and others and the same is pending.

5. The statement of the learned Government Advocate (crl. Side) is recorded. On hearing the learned counsel appearing for the petitioner and typed set of papers, it appears that the dispute is over a pathway which in essence is a civil dispute. Therefore, the petitioner would be well advised to approach the civil Court for appropriate remedies.

6. However, the petitioner is now directed to file a fresh representation / complaint and if the complaint discloses *prima facie* commission of any cognizable offence, necessarily the investigating Agency should follow the principles in the judgment reported in **2013 (6) CTC 353 [Lalitha Kumari Vs. Government of Uttar Pradesh]**. If on the other hand the second respondent considers that it is necessary to hold any preliminary enquiry / interrogation, the same shall be done only on summons under Section 41 A Cr.P.C., mentioning a specific date and time for enquiry and also giving reasonable time for him to travel to the venue of such enquiry. The petitioner is also directed to co-operate with the enquiry. During enquiry, there shall not be harassment to the petitioner.

7. Accordingly, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

1.The Superintendent of Police,  
Kanyakumari District,  
At Nagercoil.

2.The Inspector of Police,  
Thiruvattar Police Station,  
Kanyakumari District.

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



+1 CC to M/s.K.P.NARAYANA KUMAR, Advocate ( SR-59196[F] dated  
05/04/2019 )

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