



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

Cr1.OP(MD).No.7190 of 2019

1.G.Jawahar

2.G.Pandurangan

... Petitioners

Vs.,

1.The Inspector of Police,
Land Grabbing Cell (Special Division),
Virudhunagar District,
Virudhunagar.

2.A.R.V.Jegannathan

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the first respondent herein not to interfere in the civil nature of dispute in respect of properties purchased by the petitioners under registered sale deed dated 21.02.2018 vide Doc.Nos.421/2018, 791 & 792/2018 on the file of the Sub Registrar, Virudhunagar District.

For Petitioner : Mr.Veerakathiravan, Senior Counsel
for M/s.Veera Associates

For Respondent : Mrs.S.Barathi (for R1)
Government Advocate (Cr1.side)

ORDER

Heard the learned Senior Counsel appearing for the petitioners and the learned Government Advocate (Cr1.side) appearing for the first respondent. Considering the nature of order to be passed, notice to the second respondent is dispensed with.

2.The learned Senior Counsel points out that the petitioners have purchased the property in question from one G.Rajendran and others vide registered sale deeds (three) dated 21.02.2018. Patta has also been transferred in their favour. The petitioner's vendor had in turn traced their title to three sale deeds, which are of the year 2006 executed by the legal heirs of one Govindaraj. The said Govindaraj was the third son of A.R.Venkatasamy Naicker, who is the original owner of the property in question. The said A.R.Venkatasamy Naicker had five sons. There was a partition among the legal heirs of the A.R.Venkadasamy Naicker in the year 1992. The second respondent herein is the second son of A.R.Venkadasamy Naicker.

3.The case of the petitioners is that when the second respondent was a party to the partition deed dated 12.08.1992, it is not open to him to question the alienation made in favour of the



petitioners herein in the year 2018. In the meanwhile, atleast two transactions had taken place. The grievance of the petitioners is that the second respondent is a member of the Ruling party and in order to favour him the first respondent is compelling the petitioners herein to enter into some kind of the settlement.

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4.The allegation made by the petitioners is seriously contested by the learned Government Advocate (Crl.side) appearing for the first respondent. The learned Government Advocate (Crl.side) would state that the second respondent herein had given a petition on the grievances redressal day and that based on the complaint dated 14.03.2019, the petitioners have been summoned for an enquiry.

5.Be that as it may, this Court makes it clear that the first respondent while entitled to investigate any lawful complaint cannot compel the parties to settle the matter. If the first respondent is of the view that a cognizable case has been made out and First Information Report has to be registered, then the first respondent will give sufficient notice to the petitioners herein in writing so that the petitioners can approach the Court for anticipatory bail in that event.

6.With these directions, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Inspector of Police,
Land Grabbing Cell (Special Division),
Virudhunagar District,
Virudhunagar.

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

+1 CC to M/s.VEERA ASSOCIATES, Advocate SR-69077.

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