



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 12.07.2019

Coram

THE HON'BLE MR.JUSTICE **V.BHARATHIDASAN****Crl.O.P. (MD) .No.9237 of 2019**

Ramaniammal

.. Petitioner

-Vs-

1.The Superintendent of Police,  
Ramanathapuram District,  
Ramanathapuram.

2.The Deputy Superintendent of Police,  
Paramakudi Division,  
Ramanathapuram District.

3.The Inspector of Police,  
Muthukulathur Police Statio,  
Ramanathapuram District.

4.Syed Ibrahim

5.Ameer Ali

.. Respondents

**Prayer:** Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to direct the respondents to take appropriate action against the 4<sup>th</sup> and 5<sup>th</sup> respondent for criminal house-trespass by misinterpreting the High Court order in Crl.O.P. (MD).No.6633 of 2019, dated 04.06.2019.

For petitioners

:Mr.Raja.Karthikeyan

For Respondent

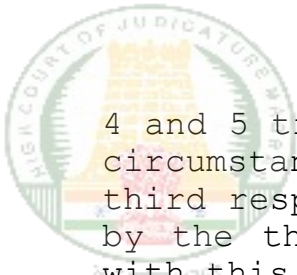
:Mr.K.K.Ramakrishnan

Additional Public Prosecutor

**ORDER**

This criminal original petition has been filed seeking a direction to the respondents 1 to 3 to take appropriate action against the respondents 4 and 5 for criminal house tress-pass.

2.The grievance of the petitioner is that the petitioner filed a civil suit in O.S.No.16 of 2017, before the learned District Munsif, Muthukulathur, against the respondents 4 and 5, for permanent injunction restraining them from interfering with the petitioner's possession and enjoyment of the property in S.No.336/2D of Muthukulathur Village, having total extent of 442 square feets, situated at Muthukulathur - Paramakudi Main Road, Muthukulathur, and obtained a decree on 12.10.2018, wherein the learned District Munsif hold that the petitioner is in possession and enjoyment of the property and the respondents never been in possession of the property. Violating the decree, the respondents



4 and 5 trespass-passed into the suit property illegally. In the above circumstances, the petitioner has given a complaint before the third respondent. But the complaint has not been enquired properly by the third respondent. Hence, the petitioner has come forward with this petition.

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3. Today, the third respondent present before this Court and the learned Additional Government Pleader appearing for the respondents 1 to 3 on his instructions would submit that based on the complaint given by the petitioner a preliminary enquiry has been conducted by the third respondent and the above enquiry reveals that the petitioner is not in possession of the property, but the respondents 4 and 5 are in possession of the property. The enquiry yet to be completed.

4. At the same time, learned counsel appearing for the petitioner would submit that the third respondent is totally biased against him instead of considering the decree passed by the civil Court, wherein it is clearly stated that the petitioner is in possession and enjoyment of the property. Now, according to the third respondent the petitioner is not in possession, which totally against the finding given by the civil court, and submitted that the third respondent is not conducting the enquiry in a fair manner.

5. Considering the above circumstances, I am of the view that the enquiry needs to conduct by some other officer and the Deputy Superintendent of Police, Paramakudi Division, Ramanathapuram District, is directed to conduct further enquiry on the complaint lodged by the petitioner and complete the same as expeditiously as possible.

6. With the above directions, this criminal original petition is disposed of.

Sd/-

Assistant Registrar(AD-II)

// True Copy //

Sub Assistant Registrar(CS)

TM/gns

To

1. The Superintendent of Police, Ramanathapuram District,  
Ramanathapuram.

2. The Deputy Superintendent of Police, Paramakudi Division,  
Ramanathapuram District.



3.The Inspector of Police, Muthukulathur Police Statio,  
Ramanathapuram District.

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

**Cr1.O.P. (MD) .No.9237 of 2019**

KG (CO)

TR (09.08.2019) 3P 5C