



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.07.2019

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WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Crl.O.P. (MD)No.9669 of 2019

1.Vijay Anand

2.Muthukumar

... Petitioners

Vs.

1.The Sub Divisional Magistrate

Sivakasi Sub Division

Virudhunagar District

2.The Inspector of Police

Town Police Station

Sivakasi

3.Mr.P.S.Selvaraj

Inspector of Police(Retired)

2/67, South Street, Maaraneri

Sivakasi

4.The Chairman

Kammavar Nayakar Society

Maaraneri

Sivakasi

....Respondents

Prayer: This Criminal Original Petition has been filed under Section 482 Cr.P.C. to direct the second respondent police not to harass the petitioners on the guise of enquiry.

For Petitioners : Mr.R.M.Arun Swaminathan

For Respondents 1 & 2 : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to direct the second respondent police not to harass the petitioners under the guise of enquiry.

2.The grievance of the petitioners is that there was a dispute between the two set of people regarding maintenance of temple. Earlier, a Peace Committee Meeting has been conducted by the Tahsildhar, in which order has been passed. Subsequently, a proceedings under Section 107 Cr.P.C has been initiated. In this circumstance, the second respondent police colluded with the third



respondent, who is the retired Police Officer and harassing the petitioner. Hence, the present Criminal Original Petition has been filed.

3. Mr. K. Suyambulinga Bharathi, learned Government Advocate (Crl. Side), appearing for the respondents 1 & 2, on instructions, would submit that there are two groups of people fighting for administering the temple. Earlier, a peace committee meeting was conducted by the Thasildhar, in which both parties have entered into compromise. Further, to avoid any untoward incident, the second respondent police has sent a report to the Executive Magistrate to initiate the proceedings under Section 107 Cr.P.C and it is pending before the Executive Magistrate, the second respondent police is not harassing the petitioner.

4. Considering the fact that already the proceedings under Section 107 Cr.P.C is pending before the Executive Magistrate and also considering the fact that it is an internal dispute between two groups with regard to maintenance of temple, the prayer sought for by the petitioner cannot be granted. Accordingly, this Criminal Original Petition is dismissed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To:

1. The Sub Divisional Magistrate
Sivakasi Sub Division
Virudhunagar District
2. The Inspector of Police
Town Police Station
Sivakasi
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

MSA

Cr1.O.P. (MD) No. 9669 of 2019
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