



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.08.2019

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

CRL.O.P.(MD).No.11015 of 2019

Ayyasamy

: Petitioner

Vs.

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

2.The Inspector of Police,
Taluk Police Station,
Thanjavur Town, Thanjavur District.

3.A.Ganesan

4.A.Mariammal

5.G.Thenmozhi

: Respondents

PRAYER: Petition is filed under Section 482 of the Criminal Procedure Code to direct the second respondent not to interfere in the civil dispute pending between the petitioner and the respondents 3 to 5 which attains finality in A.S.No.21 of 2010, on the file of the Sub Court, Pattukottai and consequently direct the second respondent to not to harass the petitioner in the guise of enquiry.

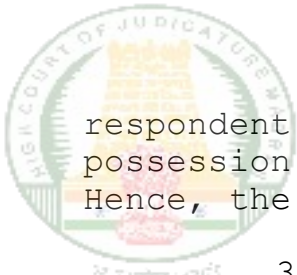
For Petitioners : Mr.I.Velpradeep

For R-1 to R-3 : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed seeking direction to the respondent Police not to interfere with the civil dispute.

2.According to the petitioner, there is a civil dispute between him and the respondents 3 to 5. Earlier, the respondents 3 to 5 filed a suit in O.S.No.07 of 2006, on the file of the District Munsif Court cum Judicial Magistrate, Orathanadu, against the petitioner. The suit has been decreed in respect of the three suit schedule properties and for the remaining four suit schedule items, the suit has been dismissed. Now the petitioner has filed a Second Appeal before this court, pending Second Appeal, the second



respondent Police is harassing the petitioner to hand over the possession of the properties for which the suit has been dismissed. Hence, the present petition has been filed.

3. Today, when the matter was taken up for hearing, the learned Government Advocate (Criminal side) appearing for the respondents 1 and 2, on instructions, submitted that based on a complaint given by the petitioner, an enquiry has been conducted and after enquiry, the same has been closed as civil dispute between both parties.

4. Considering the facts and circumstances of the case and also considering the fact that the enquiry has been conducted and the same was closed, no further adjudication is required in this Criminal Original Petition. The Criminal Original petition stands dismissed accordingly. However, the respondent Police is directed not to harass the petitioner under the guise of enquiry.

Sd/-

Assistant Registrar (Crl.Side)

// True Copy //

Sub Assistant Registrar(CS)

To

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

2. The Inspector of Police,
Taluk Police Station,
Thanjavur Town, Thanjavur District.

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

Order made in
CRL.O.P. (MD) .No.11015 of 2019
05.08.2019

tsg

JMN(19.08.2019) 2P : 4C