



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.06.2020

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.O.P(MD)No.5898 of 2020

M.Ahila Devi

...Petitioner

Vs

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

2.The Deputy Superintendent of Police,
Thuckalay Range,
Kanyakumari District.

3.The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.

4.T.Selvan

...Respondents

Prayer: Petition filed under Section 482 of the Criminal Procedure Code, to direct the third respondent police not to interfere with the civil dispute and civil right and not to harass the petitioner and her family members.

For Petitioner : Mr.M.K.Sreenivasan

For Respondent : Mr.K.K.Ramakrishnan,
Nos. 1 to 3 Additional Public Prosecutor

ORDER

The petitioner, who is a practicing advocate in the Kuzhithurai Court, has filed this petition that the third respondent police is harassing her and sought for a direction to the third respondent not to interfere with the civil dispute and not to harass her and her family members.

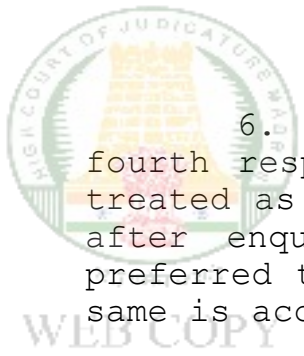


2. According to the petitioner, she owned 6 cents of land in Ry.Sy.No.186/9A2 situated at Nalloor Village, Vilavancode Taluk, Kanyakumari District. The petitioner's husband, by borrowing loan from the bank over the said property, is running a mini diary farm in the above said property. However, the fourth respondent, who is no way connected with the above said property, is trying to grab the same by creating forged documents. In this regard, the petitioner's husband has lodged a complaint and as a counter blast, the fourth respondent has also lodged a complaint. But the third respondent Police, on the instigation of the fourth respondent, is harassing her and her family.

3. The learned Additional Public Prosecutor, on instructions, submits that there is a civil dispute between the petitioner's husband and her neighbour on account of damage caused to the compound wall. A civil suit in O.S.No.148 of 1998 was filed in this regard, which was dismissed against the petitioner's husband. The appeal preferred in A.S.No.54 of 2000 was also dismissed and the second appeal filed with a delay of 906 and odd days was also dismissed by this Court in S.A.(MD).No.SR1154 of 2016 dated 09.02.2018. The learned Additional Public Prosecutor further submits that after obtaining decree, the fourth respondent has also filed a petition for police protection for reconstructing the damaged compound wall before this Court in Crl.O.P.(MD).No.13644 of 2016 and the same was allowed in favour of the fourth respondent by order dated 15.09.2016. Pursuant to the order of this Court, the damaged compound wall has also been restored. But, suppressing all the above material facts, the petitioner has now approached this Court as if the respondent Police are harassing her. Since the respondent police has not acted according to the whims and fancies of the petitioner, this petition has been filed as if they are harassing her and therefore, he prays for dismissal.

4. Heard the learned Counsel on either side and perused the documents placed on record.

5. The petitioner has stated in her petition that she is a practicing Advocate and that the respondent police is harassing her on account of a civil dispute. But the petitioner has not come up with clean hands about the litigation that took place between her family and their opposite party. Moreover, they have also suffered a decree upto the second appeal and also suffered an order of police protection, pursuant to which, the damaged compound Wall was restored.



6. In fact, the petitioner has filed a complaint as if the fourth respondent has trespassed into their land and the same was treated as petition enquiry in C.S.R.No.210 of 2020 and was closed, after enquiry. Suppressing all these facts, the petitioner has preferred this petition. There is no merit in this petition and the same is accordingly dismissed.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsg/vsd

NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Superintendent of Police,
Kanyakumari District, Nagercoil.
- 2.The Deputy Superintendent of Police,
Thuckalay Range,
Kanyakumari District.
- 3.The Inspector of Police,
Marthandam Police Station,
Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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