



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2020

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

CrI.O.P(MD)No.6082 of 2020

WEB COPY

S.Marimuthu @ Rajesh

... Petitioner

Vs

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

2.The Deputy Superintendent of Police,
Pattukottai,
Thanjavur District.

3.The Inspector of Police,
Pattukottai Town Police Station,
Pattukottai,
Thanjavur District.

4.V.G.R.Raman

... Respondents

Prayer: Petition filed under Section 482 of the Criminal Procedure Code, to direct the second respondent not to interfere with the civil dispute in respect of the suit in O.S.No.247 of 2018 on the file of the District Munsif Court, Pattukottai and also not to harass the petitioner herein.

For Petitioner : M/s.P.Krishnaveni

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

ORDER

The petitioner claims to be a District secretary of a political part viz., IJK has filed this petition for a direction to the respondent Police not to interfere with civil dispute in respect of the suit in O.S.No.247 of 2018 on the file of the District Munsif Court, Pudukottai.

2.According to him, he is a tenant of the fourth respondent and he is also running office for his political party in the said building. However, without following due process of law, the fourth respondent is attempting to evict him from the premises. Therefore, he filed a suit in O.S.No.247 of 2018 before the District Munsif, Pudukottai. When the suit is pending before the Court, the fourth respondent is attempting to evict him forcibly with a help of



third and fourth respondents.

3.The learned Additional Public Prosecutor, on instructions, submits that the fourth respondent has lodged a complaint before the third respondent police on 19.06.2020 that he has lent his premises only to a political party viz., BJP and this petitioner forcibly had entered into the premises and also caused damage to the property. The said complaint was treated as C.S.R.No.272 of 2020 and the petitioner was called for enquiry, since this petitioner has been called for an enquiry this petition has been filed to thwart the enquiry.

4.Heard the rival submissions made on either side and perused the available records.

5.In support of the petition, the petitioner has filed a plaint in O.S.No.247 of 2018 alone. According to the counsel for the petitioner, it is only based on the oral agreement he was in possession of the suit property and based on the earlier agreement alone he has filed a suit in O.S.No.247 of 2018.

6.Merely because he has filed a civil suit before the Court, he cannot take advantage of the same and seek for a direction from this Court. It is open to the respondent police to act in accordance with law and as and when any cause of action arises.

7.With the above observations, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (AS)

// 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 District Munsif Court,
Pattukottai.
- 2.The Superintendent of Police,
Thanjavur,
Thanjavur District.
- 3.The Deputy Superintendent of Police,
Pattukottai,
Thanjavur District.
- 4.The Inspector of Police,
Pattukottai Town Police Station,
Pattukottai,
Thanjavur District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CrI.O.P (MD) No. 6082 of 2020
12.06.2020

AP(18/06/2020) 3P 6C