

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 25.06.2020****CORAM:****THE HONOURABLE MR.JUSTICE B.PUGALENDHI****Crl.O.P. (MD)No.6617 of 2020**

WEB COPY

P.Muthiah Thevar

... Petitioner

Vs.

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

2.The Inspector of Police,
PC Patti Police Station,
Theni District.

3.P.Paul Pandi

... Respondents

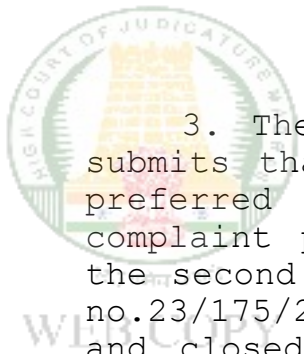
PRAYER: Petition filed under Section 482 of Cr.P.C., to direct the second respondent not to interfere in the civil matter in Survey No.433 at Veerapandi Village, Theni District and the Appeal suit pending before the Sub-Court, Theni in A.S.No.5 of 2019 without due process of law based on the complaint given by the petitioner and his wife.

For Petitioner : Mr.H.Velavadhas
For Respondents : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor
for R1 & R2

ORDER

The petitioner has approached this Court seeking a direction to the second respondent police not to interfere in the civil matter based on the complaint given by the petitioner and his wife.

2. According to the petitioner, the property in survey no.433 admeasuring to an extent of three acres is their ancestral property and the third respondent, by creating forged documents, is attempting to encroach upon the property. In this regard, the petitioner has filed a suit in O.S.No.162 of 2015 on the file of the District Munsif Court, Theni seeking declaration and the same was dismissed. As against the dismissal order, he preferred an appeal before the Subordinate Court, Theni in AS.No.5 of 2019 and the same is pending. He further submits that on 17.05.2020, the third respondent along with others interfered with his peaceful possession and enjoyment of the property and also assaulted his son namely Chinnapandi, for which he lodged a complaint before the second respondent police. But the second respondent police along with the third respondent is harassing the petitioner and hence, the petitioner filed the present petition.



3. The learned Additional Public Prosecutor, on instructions, submits that this petitioner as well as the third respondent have preferred complaints before the Superintendent of Police and the complaint preferred by the third respondent has been forwarded to the second respondent police for enquiry in current paper reference no.23/175/2020. The second respondent police conducted the enquiry and closed the petition by directing the parties to workout the remedy before the competent Civil Court.

4. In view of the submissions made by the learned Additional Public Prosecutor, no further order is necessary in this Criminal Original Petition. Accordingly, this Criminal Original Petition is dismissed. The petitioner is at liberty to work out his remedy before the appropriate civil Court.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pkn/ssl

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,
Theni District, Theni.
- 2.The Inspector of Police,
PC Patti Police Station,
Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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CS(03.07.2020) 2P 4C