



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.07.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **R.PONGIAPPAN**

Crl.O.P.[MD]No.7092 of 2020

M.P.Palanisamy

... Petitioner

Vs.

1.The Superintendent of Police,
Karur District.

2.The Inspector of Police,
Thenilai Police Station,
Karur District.

3.M/s.Sai Blue Metals,
Rep. through its Managing Partner,
Nishanth,
S.F.No.232/1, Poomandampalayam, Thenilai,
Punjai Pugalur Taluk,
Karur District.

4.M/s.Sai Blue Metals,
Rep. through its Partner,
Rajmohan,
S.F.No.232/1, Poomandampalayam, Thenilai,
Punjai Pugalur Taluk,
Karur District.

5.M/s.Sai Blue Metals,
Rep. through its Partner,
Vinoth,
S.F.No.232/1, Poomandampalayam, Thenilai,
Punjai Pugalur Taluk,
Karur District.

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the second respondent not to interfere with the civil dispute pending in O.S.No.46 of 2020 on the file of the District Munsif, Karur, on the basis of the representation given by the petitioner dated 23.06.2020.



For Petitioner : Mr.S.Gokulraj
For R1 and R2 : Mr.S.Chandrasekar
Additional Public Prosecutor

O R D E R

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This Criminal Original Petition has been filed seeking direction to the second respondent police not to harass the petitioner by way of registering the false case against the petitioner.

2.The learned counsel appearing for the petitioner would submit that the respondents 3 to 5 are doing Quarry operations in the name and style of M/s.Sai Blue Metals which is situated nearby the petitioner's agricultural property. Since they are doing quarry operations without following prescribed procedures under the Mines and Minerals (Development and Regulation) Act, blasted stones are falling on the petitioner's house and in the agricultural field. In order to regularise the same, the petitioner has filed a suit in O.S.No.46 of 2020 on the file of the District Munsif Court, Karur seeking a relief of permanent injunction and the same is pending. He would further submit that in the mean time, the respondents 3 to 5 joined with the second respondent police came to the agricultural field of the petitioner and threatened to vacate the premises forthwith, otherwise, a case has been foisted. According to him, while the civil suit is pending before the competent Civil Court, enquiring the petitioner would amount to harassment.

3.The learned Additional Public Prosecutor would submit that after receiving the petition from the respondents 3 to 5, the second respondent directed the petitioner to appear before the police station for enquiry. Instead of appearing before the second respondent, the petitioner has approached this Court by way of filing this application. He would further submit that during the time of enquiry, the dispute between the petitioner and the respondents 3 to 5 is found to be civil in nature, necessarily, the second respondent has to close the enquiry.

4.The submission made by the learned Additional Public Prosecutor is recorded.

5.Hence, in the said circumstances, it is appropriate to direct the petitioner to appear before the second respondent police on 10.07.2020 for enquiry and thereafter, if the dispute between the petitioner and the respondents 3 to 5 is civil in nature, he has to close the enquiry and direct the petitioner to approach the competent forum.



6.This Criminal Original Petition is disposed of accordingly.

Sd/-

Assistant Registrar (Records)

// True Copy //

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/ /2020

Sub Assistant Registrar(CS)

rmi

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,
Karur District, Karur.
- 2.The Inspector of Police,
Thenilai Police Station,
Karur District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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CS (13.07.2020) 3P 4C