



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **16.07.2020**

CORAM:

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

Crl.O.P.[MD]No.7493 of 2020

WEB COPY

M.Kaleeswaran

... Petitioner

Vs.

1.The Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District.

2.The Sub Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District.

3.G.Nagalingam

4.G.Jothi

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the second respondent not to interfere into the civil dispute between the petitioner and the respondent Nos.3 and 4 pending in O.S.No.115 of 2018 before the District Munsif Court, Sivagangai.

For Petitioner : Mr.S.Malaikani
For R-1 and R-2 : Mr.S.Chandrasekar
Additional Public Prosecutor

O R D E R

This petition has been filed seeking direction to the second respondent not to interfere with the civil dispute having by the petitioner with the respondents 3 and 4.

2.The learned counsel appearing for the petitioner would submit that for the past several years in respect of the hut, the petitioner is having the civil dispute with the third and fourth respondents. Resultantly, the petitioner filed a suit against the respondents 3 and 4 in O.S.No.115 of 2018 on the file of the District Munsif Court, Sivagangai and the same was pending. In the said circumstances, based on the complaint given by the wife of the fourth respondent, the respondents 1 and 2 harassed the petitioner, which is against the principles of law.



3.The learned Additional Public Prosecutor appearing for the respondents 1 and 2, on instructions, would submit that the wife of the fourth respondent was presented the petition against the petitioner, on which, the second respondent initiated the enquiry in C.S.R.No.287 of 2020. According to him, as of now the enquiry is pending against the petitioner.

4.Upon considering the arguments advanced by either side, it is apparent for the past several years, the petitioner and the respondents 3 and 4 are having the civil dispute. In the said circumstances, it is not the duty of the respondents 1 and 2 to interfere with the civil dispute. If the wife of the fourth respondent lodged the complaint against the petitioner for the same relief, it is not the business of the respondents 1 and 2 to initiate the enquiry. Therefore, it is appropriate that a direction would be given to the respondents 1 and 2, as not to interfere with the civil dispute having by the petitioner with the respondents 3 and 4.

5.With above direction, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

cp

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 Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Sub Inspector of Police,
Kalaiyarkovil Police Station,
Sivagangai District.

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

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KM (27.07.2020) 3P 4C