



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P.(MD)Nos.11492 and 11589 of 2020

P.Chandiran

... Petitioner/Aggrieved Person
in Crl.O.P.(MD)No.11492 of 2020

K.Lakshmi

... Petitioner/Aggrieved Person
in Crl.O.P.(MD)No.11589 of 2020

Vs

1.The Commissioner of Police,
Madurai City, Madurai.

2.The Assistant Commissioner of Police,
(Law & Order) Tallakulam Police Station,
Madurai.

3.The Inspector of Police,
Sellur Police Station,
Madurai.

4.K.Ammaponnu

5.K.Arunkumar ... Respondents in both Crl.O.Ps.

COMMON PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the second and third respondents not to interfere into the civil subject matter in connection with the properties which are covered by a civil suit in O.S.Nos.191 and 193 of 2020 pending on the file of the Principal District Munsif Court, Madurai Town.

For Petitioners : Mr.M.Ponniah
For R1 to R3 : Mr.V.Neelakandan
Additional Public Prosecutor

COMMON ORDER

Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent Police.

2.The fourth respondent is said to be a landlady of the petitioners herein. The fourth respondent gave a complaint against the petitioners. The petitioners were summoned to the office of the second respondent. An undertaking was obtained from the petitioners that they would vacate the property before a certain date.



3. When the matter was taken up for hearing, the learned Additional Public Prosecutor submitted that the enquiry into the fourth respondent's complaint was conducted and closed.

4. I must clarify here that any undertaking obtained under coercive circumstances in the office of the respondent cannot be put against the petitioners herein. *Prima facie*, it appears to be a case of dispute between the landlady and the tenants. The petitioners are said to have filed suits for restraining the landlady from dispossessing them except by due process of law. Therefore, undertaking obtained in this background cannot be put against the petitioners herein. The respondents are restrained from interfering in the pending civil dispute. Of-course, if any complaint given by the fourth respondent makes out any cognizable offence against the petitioners, then, the respondents are at liberty to register FIR. But then, in the event of registering such FIR, the petitioners herein shall be put on notice, so that, the petitioners will have adequate breathing time to move the jurisdictional Court. I, further, direct that the petitioners cannot be orally summoned. If the respondents want to enquire the petitioners, they have to necessarily issue summons only in writing.

5. With this direction, these Criminal Original Petitions are disposed of.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /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 Principal District Munsif,
Madurai Town.

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



2.The Commissioner of Police,
Madurai City, Madurai.

3.The Assistant Commissioner of Police,
(Law & Order) Tallakulam Police Station,
Madurai.

4.The Inspector of Police,
Sellur Police Station, Madurai.

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

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