



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.11.2020**

CORAM:

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

Crl.O.P.(MD)No.12385 of 2020

WEB COPY

1.Jegan

2.Binu Sandhip

... Petitioners

Vs.

1.The Superintendant of Police,
Nagercoil,
Kanyakumari District.

2.The Sub Collector / Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.

3.The Inspector of Police
Marthandam Police Station,
Kanyakumari District.

4.J.Vijayan

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the respondents 1 to 3 herein not to interfere the civil dispute of the petitioner family property comprised in old SY. No.434/1 part correlated to R.SY.No.229/11 and property comprised in O.SY.No.1270 correlated in R.SY.No.229/12.

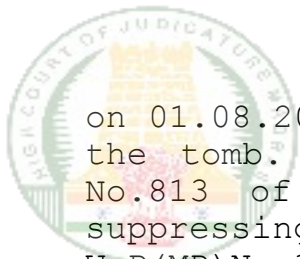
For Petitioners	:	Mr.V.M.Balamohan Thampi
For Respondents 1 to 3	:	Mr.V.Neelakandan
		Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the respondents 1 to 3 not to interfere with the civil dispute of the petitioner's family property.

2.Considering the present times, notice to the fourth respondent is dispensed with.

3.The learned counsel appearing for the petitioners would submit that civil suit in O.S.No.73 of 2020 on the file of Munsif Court, Kuzhithurai, is pending with regard to the property dispute. The 4th respondent lodged a complaint against the petitioners before the 3rd respondent Police on 14.08.2020 alleging that R.SY.No.230/5 area 167 sq links property belongs to the 4th respondent and his father and grandfather were buried in the said property. While so,



on 01.08.2020, the petitioner removed the dead bodies and demolished the tomb. The 3rd respondent Police registered a case in Crime No.813 of 2020 under Sections 297 and 427 IPC. Thereafter, suppressing the pendency of the civil suit, the 4th respondent filed W.P(MD)No.13158 of 2020 which was disposed of by order dated 30.09.2020 directing the 3rd respondent Police to complete the investigation in the above crime number within three months. The grievance of the petitioners is that taking advantage of the order passed in the writ petition, the 3rd respondent Police are harassing and threatening the petitioners and their family members and also interfering with the civil dispute.

4.The learned Additional Public Prosecutor appearing for the respondents 1 to 3, on instructions, submitted that based on the complaint, petition enquiry has been conducted and FIR has been registered in Crime No.813 of 2020 dated 14.08.2020.

5. Recording the above submission, this Criminal Original Petition is closed. The petitioners are directed to approach the appropriate forum for their remedy.

Sd/-

Assistant Registrar (P&A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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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 Superintendant of Police,
Nagercoil,
Kanyakumari District.

2.The Sub Collector / Revenue Divisional Officer,
Padmanabhapuram,
Kanyakumari District.

3.The Inspector of Police
Marthandam Police Station,
Kanyakumari District.

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



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

+1 CC to M/s.V.M.BALAMOCHAN THAMBI, Advocate (SR-21211[F] dated
05/11/2020)

CrI.O.P.[MD]No.12385 of 2020
04.11.2020

DKS (CO)
AP (07/12/2020) 3P 6C