



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2020

CORAM

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

Crl.O.P. (MD)No.12639 of 2020

WEB COPY

P.Sumathi

... Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Nanguneri, Tirunelveli District.

3.The Inspector of Police,
Kalakkadu Police Station,
Tirunelveli District.

4.Nambi Nachiyar

... Respondents

Prayer : Criminal Original Petition filed under Section 482 Cr.P.C., to direct the second respondent herein not to harass the petitioner and her family members under the guise of enquiry and also direct the respondents herein not to interfere in the civil dispute pending in A.S.No.39 of 2016 on the file of this Court.

For Petitioner : Mr.J.Jeyakumaran

For R1 to R3 : Mr.V.Neelakandan,
Additional Public Prosecutor.

For R4 : Mr.Aayiram K.Selvakumar

ORDER

This criminal original petition has been filed to direct the second respondent herein not to harass the petitioner and her family members under the guise of enquiry and also direct the respondents herein not to interfere in the civil dispute pending in A.S.No.39 of 2016 on the file of this Court.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the official respondents.

3.The learned counsel for the petitioner would submit that the petitioner is having ancestral property in survey nos.148/1, 148/2,

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



148/3A, 148/4A, 148/6, 148/7A, 149/1, 149/2, 149/3, 149/4, 149/5, 169/1A, 230/3, 230/4, 230/5B situated at Devanallur Villaur, Tirunelveli District. The said property originally belonged to petitioner's father-in-law and he was died in the year 2005. After demise of the petitioner's father-in-law, the fourth respondent filed O.S.No.66 of 2007 on the file of the Principal District Court, Tirunelveli as against the petitioner's husband and his brothers and the same was decreed, on 29.09.2009. Aggrieved by the same, the petitioner's husband filed First Appeal in A.S.No.39 of 2016 before this Court and the same is pending. While that being so, the fourth respondent preferred a complaint on 21.10.2020 before the second respondent. Based on the complaint, the second respondent called upon the petitioner and threatened her. The petitioner submitted all relevant documents and also explained that first appeal is pending before this Court. However, the second respondent has not considered the petitioner's explanation and insisted to vacate the land in aforementioned survey numbers. Hence, this petition.

4.When the petition is taken up for hearing, the learned Additional Public Prosecutor, on instructions, would submit that there is an enquiry pending against the petitioner.

5.Considering the facts and circumstances of the case, this Criminal Original Petition is disposed of with a direction to the respondents to follow the principles laid down by the Hon'ble Apex Court in **D.K.Basu Vs. State of West Bengal reported in AIR (1997) SC 610** while enquiring the petitioner.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

gns

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,
Tirunelveli District,
Tirunelveli.

2.The Deputy Superintendent of Police,
Nanguneri, Tirunelveli District.



3.The Inspector of Police,
Kalakkadu Police Station,
Tirunelveli District.

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

Crl.O.P. (MD) No.12639 of 2020
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