



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.11.2020**

CORAM:

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

Crl.O.P. (MD)No.13390 of 2020

1. Velu
2. Prabakar
3. Aarthi
4. Puvaneswaran
5. Saraswathi
6. Ramalingam

... Petitioners

Vs.

- 1.The Inspector of Police
Anti-Land Grabbing Special Cell,
Madurai District, Madurai.

2. S. Krishnan

...Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C, to direct the 1st respondent and his officials not to interfere into civil dispute relating to the land in Survey Nos.95/2A3B1 and 95/2D2, situated in Angadi Mangalam Bit-2, Madurai District and not to harass the petitioners and their family members under the guise of enquiry.

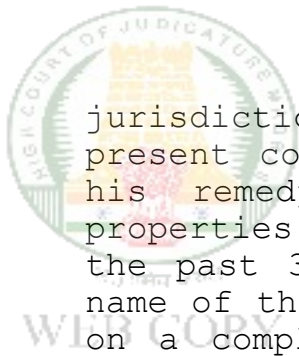
For Petitioner	: Mr.N. Sathiyendran
For R-1	: Mr.V.Neelakandan
	Additional Public Prosecutor
For R-2	: Mr.K.Prabhu

O R D E R

This petition has been filed seeking direction to the first respondent and his officials not to interfere into civil dispute, relating to the land in Survey Nos.95/2A3B1 and 95/2D2, situated in Angadi Mangalam Bit-2, Madurai District and not to harass the petitioners and their family members under the guise of enquiry.

2. Mr. K.Prabhu, learned counsel, takes notice for the second respondent.

3. The learned counsel for the petitioners would state that civil dispute is pending between the petitioners and the second respondent. He would further state that, if the second respondent is having share in the disputed property, he can invoke the



jurisdiction of the competent civil Court, but, he has preferred the present complaint, instead of approaching the Civil Court to seek his remedy. He would further state that, now, the disputed properties are in possession of the petitioner Nos.2 & 4 herein for the past 30 years and the revenue records were also stand in the name of them, prior to 15 years. He would further state that, based on a complaint preferred by the second respondent, a summon was issued to the petitioners and they have appeared on 17.11.2020 before the respondent police and submitted their explanation, but, the respondent police officials harassed the petitioners under the guise of enquiry. Hence, the petitioners are before this Court.

3. When the petition is taken up for hearing, the learned Additional Public Prosecutor appearing for the respondent police, on instructions, would submit that there is an enquiry pending against the petitioners.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police and the learned counsel appearing for the second respondent.

5. Considering the facts and circumstances of the case, this Criminal Original Petition is disposed of with a direction to the respondent police 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-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

ksa

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
Anti-Land Grabbing Special Cell,
Madurai District, Madurai.



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

+1 CC to M/s.M.S. JEYAKARTHIK, Advocate (SR-23040[F] dated
27/11/2020)

Crl.O.P.[MD]No.13390 of 2020

26.11.2020

VR(CO)
NR (10/12/2020) 3P : 4C