



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P (MD) No.14524 of 2020

P.Kumar

... Petitioner

Vs

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

2.T.J.Ravichandran

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the 1st respondent not to harass the petitioner under the guise of enquiry.

For Petitioner	: Mr.A.Jayaramachandran
For R1	: Mr.V.Neelakandan,
	Additional Public Prosecutor(Crl.Side)

O R D E R

This Criminal Original Petition has been filed to direct the 1st respondent not to harass the petitioner under the guise of enquiry.

2. The learned counsel for the petitioner would submit that the petitioner's father died during the year 1985. After his demise, his mother namely Poochammal owned a land to an extent of 2 acres 48 cents comprised in survey No.41/4 situated at Thirali Village, Thirumangalam Taluk, Madurai District. At that time, since the petitioner and his brother are minor, the petitioner's mother executed a registered general power deed in favour of the second respondent herein bearing Doc.No.23/1997 dated 29.01.1997, with regard to the above mentioned property. Meanwhile, the petitioner's brother also died during the year 1999. The petitioner's mother executed a gift settlement deed in favour of the petitioner through a registered document bearing No.5681 of 2006 dated 21.12.2006. The petitioner's mother also cancelled the power deed executed in favour of the 2nd respondent through a registered cancellation deed bearing document No.5894 of 2015. Thereafter, the petitioner's mother passed away on 12.07.2017. Later on, the petitioner sold the above property to one Kondammal, through a registered sale deed bearing Doc.No.1470 of 2019 dated 01.03.2019. At this juncture, the petitioner received a legal notice from one Janaki alleging that the 2nd respondent had entered into a registered sale agreement with her on 12.12.2012 with regard to the above said property and also she paid Rs.25,000 as advance amount. The grievance of the petitioner is that based on the false complaint given by the 2nd respondent, the petitioner was called for enquiry and the 1st respondent police is



harassing the petitioner under the guise of an enquiry. According to the petitioner, the intervention of the 1st respondent police into a civil dispute has to be interfered by this Court. Hence, this petition.

3.The learned Additional Public Prosecutor appearing on behalf of the 1st respondent, on instructions, would submit that the second respondent has preferred a complaint against the petitioner on 07.10.2020 and the enquiry is pending.

4.Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the 1st respondent. Since no adverse order is going to be passed, notice to the 2nd respondent is dispensed with.

5.Admittedly, the petitioner is the owner of the property through a registered document. Subsequently, the power deed executed in favour of the 2nd respondent was cancelled in the year 2015 itself. The Defacto complainant has come forward with the present complaint stating that an advance of Rs.25,000/- has been given on an agreement. The disputed deed was said to have been executed on 29.01.1997 and the same has been cancelled in the year 2015. Even thereafter, from 2015 till 2020, the defacto complainant has not taken any steps and it seems that the complaint appears to be purely civil in nature and therefore, the respondent/police are directed not to harass the petitioner under the guise of enquiry.

6.With the above observations and direction, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn

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

Crl.O.P (MD) No.14524 of 2020
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