



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.14535 of 2020

S.Muthalagu

... Petitioner

Vs.

- 1.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
- 2.The Inspector of Police,
Vilathikulam Police Station,
Thoothukudi District.
- 3.The Sub Inspector of Police,
Soorangudi Police Station,
Soorangudi, Vilathikulam Taluk,
Thoothukudi District.

4.Anil@Sivalingam.

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the 1st respondent to instruct the 3rd respondent not to interfere with the civil dispute, which is subject matter in O.S.No.83 of 2019, on the file of Subordinate Judge, Kovilpatti and not to harass the petitioner under the guise of any investigation or enquiry.

For Petitioner: Mr.A.Gandiappan

For R1 to R3 : Mr.V.Neelakandan

Additional Public Prosecutor.(Crl.side)

ORDER

This petition has been filed to direct the 1st respondent to instruct the 3rd respondent not to interfere with the civil dispute, which is subject matter in O.S.No.83 of 2019, on the file of Subordinate Judge, Kovilpatti and not to harass the petitioner under the guise of any investigation or enquiry.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor (Criminal Side) for the official respondents.



3.The learned counsel for the petitioner would submit that the petitioner hails from an agricultural family and have inherited lot of properties from his forefathers. The grievance of the petitioner is that the 4th respondent, who has no title over the property, encroached the petitioner's land in Survey No.153/!, 153/B, with the help of hired hooligans. Hence, the petitioner filed a suit in O.S.No.83 of 2019, on the file of Subordinate Judge, Kovilpatti and the same was still pending. The 4th respondent lodged a false complaint before the 3rd respondent police, based on which, the 3rd respondent asked the petitioner to be present at police station, without following due process of law. Hence, the petitioner submitted a representation to the 1st respondent on 19.11.2020 and 05.12.2020. But no action has been taken. In this regard, the petitioner had already filed Crl.OP(MD) No.15139 of 2011 and obtained an order from this Court, for not to harass. Even then, the 3rd respondent is harassing the petitioner, based on the false complaint lodged by the 4th respondent. Hence, this petition.

4.When the petition is taken up for hearing, the learned Additional Public Prosecutor(Crl side), on instructions, would submit that based on the complaint given by the fourth respondent, CSR No.290 of 2020 has been assigned and the enquiry is still pending. He would also state that the suit filed by the petitioner herein in O.S.No.83 of 2019 is pending before the Subordinate Court, Kovilpatti.

5.Considering the facts and circumstances of the case, and and considering that a civil suit is pending for the disputed property, the respondent police shall not interfere in a civil dispute under the guise of enquiry and shall not harass the petitioner.

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

Sd/-

Assistant Registrar (Crl.Side)

// 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 Superintendent of Police,
Thoothukudi District,
Thoothukudi.
- 2.The Inspector of Police,
Vilathikulam Police Station,
Thoothukudi District.
- 3.The Sub Inspector of Police,
Soorangudi Police Station,
Soorangudi, Vilathikulam Taluk,
Thoothukudi District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P. (MD) No.14535 of 2020

11.12.2020

ES (CO)

NR (09/02/2021) 3P : 5C