



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P.(MD)No.14927 of 2020

P.Nageshwari

... Petitioner

Vs.

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

2.The Inspector of Police,
Vengamedu Police Station,
Karur District.

3.Alagarsamy

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the 2nd respondent not to interfere in the civil dispute of the petitioner and the 3rd respondent pending in O.S.No.325 of 2020, on the file of the Principal District Munsif Court, Karur.

For Petitioner : Mr.I.Vel Pradeep

For R1 & R2 : Mr.V.Neelakandan

Additional Public Prosecutor.(Crl.side)

ORDER

This petition has been filed to direct the 2nd respondent not to interfere in the civil dispute of the petitioner and the 3rd respondent pending in O.S.No.325 of 2020, on the file of the Principal District Munsif Court, Karur.

2.The learned counsel for the petitioner would submit that the petitioner is a tenant of residential house bearing Door No.5A, New Door No.35, Anna Street, Vengamedu, Karur District and the 3rd respondent is the owner/landlord of the said house. According to the petitioner, she is very prompt in payment of rent and there is no due as of now. It is stated that even during Covid-19 pandemic, the petitioner has paid the rent. At this juncture, on 18.10.2020, the 3rd respondent threatened the petitioner to vacate the house within 10 days. Hence, the petitioner preferred a complaint before the 2nd respondent and according to the petitioner, the 2nd respondent also acted infavour of the 3rd respondent. Therefore, the petitioner has filed a Civil Suit in O.S.No.325 of 2020, on the file of the District Munsif Court, Karur seeking permanent injunction and not to exist her without due process of law and the same is pending. Though the petitioner informed the 2nd respondent about the pendency of the civil suit, the petitioner is harassed. Hence, the petitioner is



before this Court with this Criminal Original Petition.

3.The learned Additional Public Prosecutor,(Crl.side) on instructions, would submit that based on the complaint given by the petitioner, CSR No.446 of 2020 has been assigned on 04.12.2020 and enquiry was conducted. The enquiry revealed that there is a landlord and tenant dispute between the petitioner and the 3rd respondent. During the enquiry, the petitioner has given undertaking that she will approach the appropriate Civil Forum for her remedy, since, there was Civil Suit in O.S.No.325 of 2020 is pending. Accordingly, the complaint was closed on 07.12.2020.

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

5.Considering the facts and circumstances of the case and also taking note of the fact that the Civil Suit in O.S.No.325 of 2020 is pending, the police officials has no authority to call for the petitioner for enquiry. The respondent police is directed not to harass the petitioner. The parties are directed to approach the Court below for their remedy.

6.With the above observation and directions, this Criminal Original Petition is closed.

Sd/-

Assistant Registrar (P&A)

// 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,Karur District,Karur.

2.The Inspector of Police,Vengamedu Police Station, Karur District.

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

+1 CC to M/s.I.Velpradeep ,Advocate,in SR.No.25811.

Crl.O.P. (MD)No.14927 of 2020

16.12.2020