



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2020

CORAM:

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

Crl.O.P.(MD)No.15219 of 2020 and
Crl.MP(MD) No.7332 of 2020

1.A.Perumal
2.A.Selvaraj
3.Paulkani

Petitioners

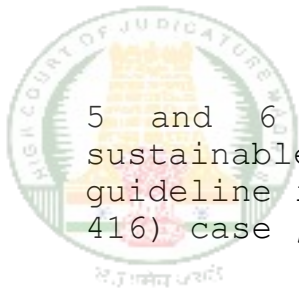
Vs.

- 1.The Director General Of Police,
O/o The Director General of Police,
No.1, Dr.Radhakrishna Salai,
Mylapore,
Chennai - 600 004.
- 2.The Inspector General of Police (South Zone),
77, 4th Street,
Race Course Colony,
Madurai - 625002.
- 3.The Deputy Inspector General of Police,
Tirunelveli Range,
No.4, St.Thomas Road,
Maharaja Nagar,
Tirunelveli - 627 011.
- 4.The Superintendent of Police,
O/o The Superintendent of Police,
Tenkasi,
Tenkasi District.
- 5.The Deputy Superintendent of Police,
Alankulam
Tenkasi,
Tenkasi District.
- 6.The Inspector of Police
Surandai Police Station,
Tenkasi,
Tenkasi District.

7.Mr.Serman

Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. to direct the respondents 1 to 4 to direct the respondents



5 and 6 not to harass the petitioners without any legally sustainable complaint and to direct the respondents to follow the guideline issued by the Hon'ble Supreme Court in D.K.Basu(1997 1 SCC 416) case , in matters pertaining to arrest or interrogation.

For Petitioners : Mr.T.Lajapathi Roy
For R1 to R6 : Mr.V.Neelakandan
Additional Public Prosecutor(Crl.side)

ORDER

This petition has been filed to direct the respondents 1 to 4 to direct the respondents 5 and 6 not to harass the petitioners without any legally sustainable complaint and to direct the respondents to follow the guideline issued by the Hon'ble Supreme Court in D.K.Basu(1997 1 SCC 416) case , in matters pertaining to arrest or interrogation.

2.The learned counsel for the petitioners would submit that the petitioners are the blood brothers and their father Mr.Arunachala Nadar purchased a piece of land in Survey No.197/1 and 197/8 to an extent of 41 cents and 30 cents respectively in Achankulam Village, Surandai Sub Division, Tenkasi Taluk from one Kasi Pandi Nadar through registered sale deed No.1881/1980, and later Survey No.187/1 was resurveyed and numbered as S.No.197/1A. According to the petitioners, the petitioners' father exchanged a portion of land in Survey No.197/8 to one Mr.Subaiah Nadar through a panchayat exchange deed. Later, the survey numbers were sub divided as S.No.197/7B, 197/8B, 197/9B in Achankuttam Village, Surandai Sub Division, Tenkasi District. In the year 1992, the petitioners' father executed a partition deed, through which, the petitioners are entitled for their respective properties. The grievance of the petitioners is that one Mr.Serman, who is none other than blood brother of Kasipandi, from whom the petitioners' father purchased the land is claiming a portion of land. In this regard, the respondent 7 has made a complaint to the 6th respondent, based on which, the 6th respondent is harassing the petitioners and their family members unnecessarily. Further, the petitioners were called upon for enquiry over phone and they were asked to settle the matter and re-convey the excess land as alleged by the 7th respondent. Hence, the petitioners made a complaint before the respondent 4 and the Hon'ble Chief Minister Cell. The petitioners were issued with summons on 24.11.2020 and 12.11.2020. Even though the petitioners were submitted all relevant documents and explanation, they are being harassed by the respondent police. Hence, the petitioners sent a detailed representation on 05.12.2020 to the respondents 1 to 4, stating all the facts and requested them to not interfere in the civil dispute. Since, no action has been taken by the respondent police, the petitioners are before this court, with this present Criminal Original Petition.



3.The learned Additional Public Prosecutor on instructions would submit that based on the 7th respondent complaint dated 11.11.2020, summons were issued to the petitioners to appear before the respondent police on 26.11.2020 and the petitioners failed to appear and hence, the enquiry is pending. Based on the complaint given by the Village Administrative Officer, FIR has been registered in Crime No.551 of 2020 on 28.11.2020. Now the petitioners have given a representation on 05.12.2020.

4.Heard the learned counsel for the petitioners as well as the learned Additional Public Prosecutor.

5.Considering the submissions on either side and considering the nature of the complaint as well as the issue involved in this case is civil in nature, the parties are directed to approach the appropriate civil forum for their remedy. The respondent police will not interfere in the matter.

6. With the above observations and directions, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-II)

// 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 Director General Of Police,
O/o The Director General of Police,
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Chennai - 600 004.

2.The Inspector General of Police (South Zone),
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3.The Deputy Inspector General of Police,
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Tirunelveli - 627 011.

4.The Superintendent of Police,
O/o The Superintendent of Police,
Tenkasi,
Tenkasi District.

5.The Deputy Superintendent of Police,
Alankulam
Tenkasi,
Tenkasi District.

6.The Inspector of Police
Surandai Police Station,
Tenkasi,
Tenkasi District.

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

+1cc to Mr.T.Lajapathi Roy, Advocate Sr.No.26783

Crl.O.P. (MD)No.15219 of 2020 and
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ES (CO)

NR (02/02/2021) 4P : 9C