



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.12.2020

CORAM:

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

Crl.O.P.(MD)No.15182 of 2020

M.Raj Kumar

... Petitioner

Vs.

1.The Superintendent of Police,
O/o The Superintendent of Police,
Theni District.

2.The Inspector of Police,
O/o The Inspector of Police,
Periyakulam Taluk Police Station,
Periyakulam,
Theni District.

3.V.Raj Kumar

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 2nd respondent not to interfere in the civil dispute of the petitioner with the 3rd respondent.

For Petitioner : Mr.M.Maharaja
For R1 & R2 : Mr.V.Neelakandan
Additional Public Prosecutor.

ORDER

This petition has been filed to direct the 2nd respondent not to interfere in the civil dispute of the petitioner with the 3rd respondent.

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's father namely R.Masirampatiran Naidu has many ancestral property and he died leaving behind the petitioner, his mother and his brothers as legal heirs. While this being so, the 3rd respondent created a fabricated document in S.R.O.No.449/2001 dated 29.03.2001 as such he purchased a portion of the petitioner's ancestral property in Survey No.73/1 to an extent of 960 sq ft at Jaminthar Pathasalai Street, Vadakarai, Periyakulam Taluk, Theni from the petitioner's father. In this regard, the petitioner's father filed a suit in O.S.No.84 of 2004 and the same was allowed and thereafter the petitioner's father preferred E.P.No.2 of 2006, to evict the 3rd respondent. At this juncture, the petitioner's father died on 12.01.2008. By taking advantage of the same, the petitioner's father's counsel and the 3rd respondent's counsel have conspired and closed the Court proceedings. Thereafter, the



petitioner preferred a suit in O.S.No.100 of 2020 before the Sub Court, Periyakulam against the 3rd respondent and the same is pending. The 3rd respondent has preferred a complaint before the respondent No.2 and the petitioner was called for by the 2nd respondent for enquiry. The grievance of the petitioner is that even though the petitioner has informed about the pending civil proceedings before the Sub Court, Periyakulam, the respondent police is continuously harassing the petitioner and threatening him to withdraw the suit initiated by him. Hence, the petitioner has sent a representation to the respondent police on 11.12.2020. So far no action has been taken, the petitioner has come before this Court, with this present Criminal Original Petition.

4. The learned Additional Public Prosecutor(Crl side) appearing for the officicial respondents, on instructions, would submit that based on the representation given by the petitioner, CSR No.377 of 2020 has been assigned on 17.12.2020 and the enquiry is pending.

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. The respondent police shall keep in mind the order obtained in the Civil Suit, while conducting enquiry.

Sd/-

Assistant Registrar (CSIII)

// 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,
O/o The Superintendent of Police,
Theni District.

2.The Inspector of Police,
O/o The Inspector of Police,
Periyakulam Taluk Police Station,
Periyakulam,
Theni District.



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

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21.12.2020

MK (CO)

KB (07.01.2021) 3P 4C