



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2020

CORAM:

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

Crl.O.P.(MD)No.15552 of 2020

Indhumathi

... Petitioner

Vs.

1.The Superintendant of Police,  
Madurai District, Madurai.

2.The Deputy Superintendant of Police,  
Anti-land Grabbing Cell,  
Madurai District, Madurai.

3.The Inspector of Police,  
Anti-Land Grabbing Cell,  
Madurai District, Madurai.

4.The Sub Inspector of Police,  
Anti-Land Grabbing Cell,  
Madurai District, Madurai.

5.Velmurugan

... Respondents

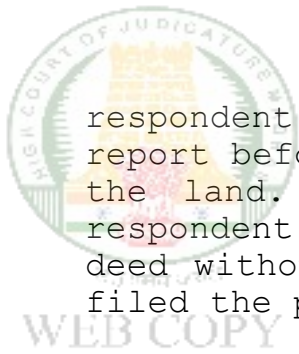
**PRAYER:** Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the second to fourth respondents not to interfere with the civil dispute under the guise of any investigation.

|                |   |                              |
|----------------|---|------------------------------|
| For Petitioner | : | Mr.S.Muniyandi               |
| For R1 to R4   | : | Mr.V.Neelakandan             |
|                |   | Additional Public Prosecutor |

**ORDER**

This petition has been filed to direct the second to fourth respondents not to interfere with the civil dispute under the guise of any investigation..

2. The learned counsel for the petitioner would submit that the petitioner purchased the property in Survey No.10/2, 10/5A situated at Mela Uppilikundu Village, Kalligudi Taluk, Madurai on 22.07.2020 through valid consideration from one Manayandi and the same was registered before the Sub-Registrar Office, Kalligudi, Madurai District. From the date of purchase, the petitioner is in peaceful possession and enjoyment of the property. While so, the fifth respondent and his henchmen interfered with the peaceful possession and enjoyment of the property. Hence, the petitioner filed O.S.No.126 of 2020 and the same is pending. The fifth



respondent has also received summons. Thereafter, he lodged a report before the second respondent as if the petitioner has grabbed the land. Based on the same, under the guise of enquiry the respondent police is harassing the petitioner to cancel the sale deed without even registering the case. Hence, the petitioner has filed the present petition with the aforesaid prayer.

3. The learned Additional Public Prosecutor, appearing for the first to third respondents, on instructions, would submit that based on the complaint given by the fifth respondent against the petitioner, enquiry is pending. The learned Additional Public Prosecutor further submitted that only for the purpose of enquiry, the respondent police called the petitioner and they are not harassing him.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents 1 to 3.

5. Admittedly, the petitioner had filed a civil dispute and a suit in O.S.No.126 of 2020 against the fifth respondent and notice is also served on the fifth respondent. The petitioner has purchased the property for a valid sale consideration. Whatever might be the circumstances, the respondent police is directed 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.

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

Sd/-

Assistant Registrar (AD-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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.



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

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