

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.05.2021

Coram

The Honourable Mr.Justice G.CHANDRASEKHARAN

Crl.O.P.No.9048 of 2021

M.Dinesh Kumar

...Petitioner

Versus

1.The Deputy Superintendent of Police,
Conoor Taluk,
Nilgiris District.

2.The Inspector of Police,
Kothagiri Police Station,
Main Bazaar,
Nilgiris District.

3.R.Rajan @ Rajappan

...Respondents

This Criminal Original Petition is filed under Section 482 of Cr.P.C praying to direct the 1st and 2nd respondent Police to not to interfere with the civil dispute and not call the petitioner for enquiry and harass the petitioner in connection with C.S.R.No.171 of 2021 dated 22.04.2021 on the file of the 2nd respondent Police.

For Petitioner : Mr.C.Arun Kumar

For Respondents : Mr.S.Karthikeyan,
Addl. Public Prosecutor

O R D E R

The relief sought for in this petition is to direct the respondents 1 & 2 to not to interfere with the civil dispute and not call the petitioner for enquiry and harass him in connection with C.S.R.No.171 of 2021 dated 22.04.2021 on the file of the second respondent Police.

2. Admittedly, in this case, there is a civil dispute between the petitioner and the defacto complainant/third respondent. The petitioner had filed O.S.No.56 of 2005 on the file of the District Munsif Court, Kotagiri for the relief of declaration of title and recovery of possession and the same was

decreed in his favour. Hence, as against the said decree, the defacto complainant/third respondent had filed a First Appeal in A.S.No.49 of 2007 on the file of Subordinate Court, Udhagamandalam and the same was allowed on 26.10.2007. Challenging the judgment passed in A.S.No.49 of 2007, the petitioner had filed a Second Appeal in S.A.No.391 of 2008 before this Court. However, the said Second Appeal was dismissed for non-prosecution on 26.02.2019.

2.1. Meanwhile, it is alleged that the defacto complainant has lodged a complaint against the petitioner stating that on 14.04.2021, at 10.00 a.m., the petitioner and his henchmen had encroached his building and caused damages to it.

3. The learned counsel for the petitioner would submit that there is a delay in giving the complaint and the allegations made in the said complaint are false since the same was given on ill motive. He would further submit that the issue between the parties is a civil dispute, however, on the basis of the complaint given by the defacto complainant, the respondent (s) Police is frequently calling the petitioner for enquiry.

4. The learned Additional Public Prosecutor appearing for the respondent(s) would submit that there was a petition enquiry in C.S.R.No.171 of 2021 is pending against the petitioner and therefore, the petitioner has to co-operate with the respondent (s) police during enquiry. If the allegations made in the complaint given by the defacto complainant are cognizable offence, the 2nd respondent Police has to register FIR against the petitioner in accordance with law, or if no such offence is made out, the second respondent can close the enquiry.

5. It is made clear that the respondent(s) Police cannot interfere with the civil dispute between the parties, however, if the petitioner has committed a criminal offence, the respondent(s) Police can take action against him. This Court directs the petitioner to appear before the respondent(s) Police for enquiry as and when required by them with specific reference to the criminal offence alleged in the petition and not with reference to any civil dispute.

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

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

mrr

To

1.The Deputy Superintendent of Police,
Conoor Taluk,
Nilgiris District.

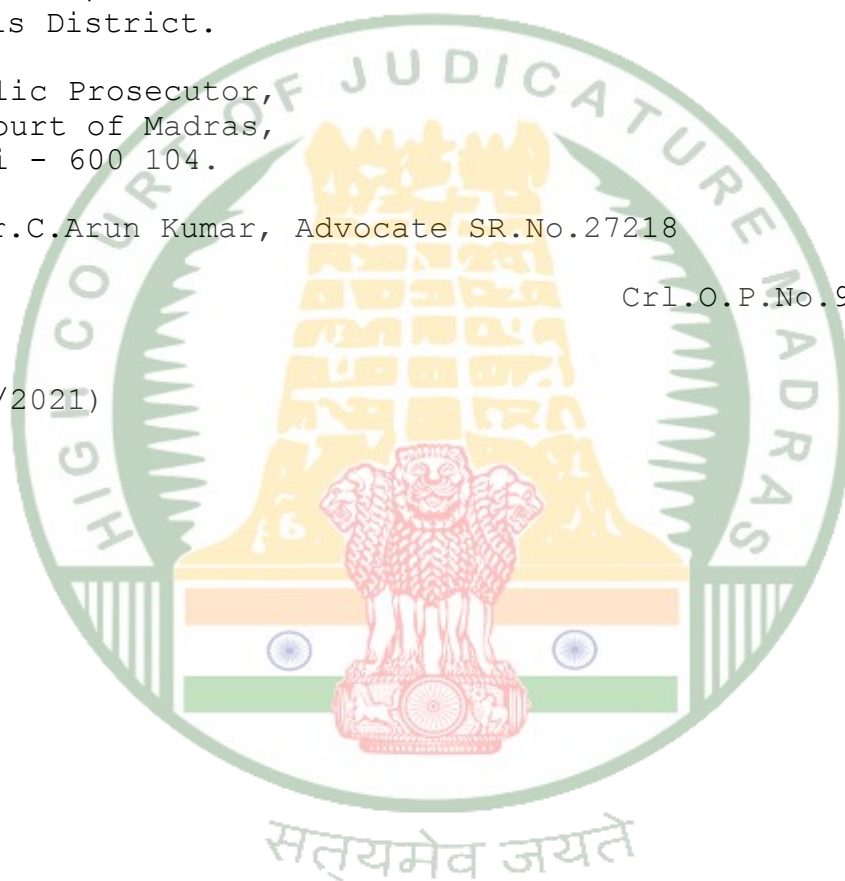
2.The Inspector of Police,
Kothagiri Police Station,
Main Bazaar,
Nilgiris District.

3.The Public Prosecutor,
High Court of Madras,
Chennai - 600 104.

+lcc to Mr.C.Arun Kumar, Advocate SR.No.27218

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