



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :12.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.11899 of 2021

Krishnasamy

... Petitioner

Versus

1.The Superintendent of Police
Coimbatore District.

2.The State:
Rep.by the Deputy Superintendent of Police
District Crime Branch
Coimbatore District.

3.The Inspector of Police
Vadakkipalayam Police Station
Pollachi Taluk
Coimbatore District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent police not to harass the petitioners in respect of the Civil dispute is concerned.

For Petitioner : Mr.V.Raghavachari
for Mr.N.Umapathi

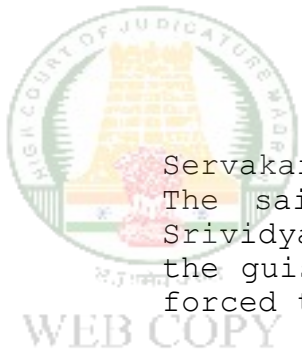
For Respondents: Mr.E.Raj Thilak
Government Advocate (Crl.Side)

For Intervenor : Mr.Govi Ganesan

ORDER

This petition has been filed to direct the respondent police not to harass the petitioners in respect of the Civil dispute is concerned.

2. The petitioner had lodged a complaint on 26.02.2021 against one Sivakumar, his wife Srividya, one Ramesh, Ashok and Velliangiri, who were encroaching and disturbing the petitioner's peaceful possession and enjoyment of his agricultural land in S.No.60/1 and 61/1 of 5 acres situated at



Servakaranpalayam Village, Pollachi Taluk, Coimbatore District. The said Sivakumar being the husband of a Judicial Officer Srividya had given a complaint against the petitioner and under the guise of enquiry, the petitioner is harassed, threatened and forced to settle his agricultural property.

3. The contention of the petitioner is that the petitioner along with his family members owning an agricultural land of 5 acres at Servakaranpalayam Village, Pollachi Taluk, Coimbatore District. The petitioner mortgaged the said property in Canara Bank, Pollachi for agricultural purpose and since they were not able to repay the amount, the Canara Bank, initiated proceedings against the petitioner. Thereafter, the petitioner in order to make repayment for the loan, borrowed money from third parties. The said Sivakumar offered to extend a loan for Rs.1,00,000/- and as security, the petitioner executed an agreement of sale on 06.02.2019 of the said agricultural land, clearly mentioning it is only a security and not handed over the possession. Later, the Canara Bank by a letter dated 21.01.2020 offered one time settlement and the petitioner re-paid the loan amount of Rs.15,00,000/-.

4. Thereafter, the petitioner regularly paid the monthly interest of Rs.3,000/- to Sivakumar. However, the said Sivakumar taking advantage of the registered sale agreement, insisted the petitioner to sell the said property, which the petitioner declined. Thereafter, an extension of sale agreement, dated 04.02.2020 was executed. Both the sale agreement and execution of sale agreement are registered documents, which clearly mentions that the possession is not handed over and the possession is retained by the petitioner. The said Sivakumar now makes a claim that the petitioner had received a sum of Rs.52,00,000/- towards sale agreement and thereafter, he had not executed the sale deed. Further, the said Sivakumar's wife being the Secretary, District Legal Services Authority, Tiruppur, hatched a conspiracy and started threatening the petitioner with the aid of her husband and his associates to sell the said agricultural land. In fact the Sub-Inspector of Police, Mr.Rajendra Prasad, Vadakkipalayam Police Station and other officials namely Nagendra Babu and Venkatachalam attached to Vadakkipalayam Police Station are forcing the petitioner to execute a sale deed in favour of Sivakumar and his wife.

5. In the mean while, the petitioner filed a Civil Suit in O.S.No.72 of 2021 before the District Munsif Court, Pollachi, seeking permanent injunction, which is pending, after receiving the suit summons. The said Sivakumar filed a Civil Suit against the petitioner in O.S.No.242 of 2021 before the District Court, Coimbatore, seeking injunction. Further a transfer petition in TROP.No.70 of 2021 filed to jointly try



both the cases. The said Sivakumar proclaiming that his wife is a Senior Judicial Officer at Tiruppur and nothing could be done against him in a Court or elsewhere. Thereafter, the petitioner having no other option had sent a complaint to the Registrar (Vigilance), High Court and to the Registrar General. Thereafter, the petitioner received a letter from the Registrar on 12.03.2021 to send a complaint with notarised affidavit along with documents. On coming to know the same, the said Sivakumar and his wife made a false complaint against the petitioner and started harassing the petitioner. On 02.03.2021 they had given a complaint to the Superintendent of Police, Coimbatore, which was forwarded to the Vadakkipalayam Police Station. Thereafter, the petitioner received a summon to appear with the documents on 17.03.2021. When the petitioner explained the entire facts, the respondent police were not willing to hear the same and started torturing the petitioner to execute the sale deed. In the meanwhile, in the Revenue records, name was changed in the name of the petitioner. Further, the petitioner had never handed over the possession and the property is with the petitioner. The Judicial Officer, her husband and their musclemen threatened the petitioner, the respondent police joined hands with them. Hence, the petitioner has filed this petition.

6. The learned Counsel for Government of Tamil Nadu (Crl.Side) has submitted that in this case, current paper in C.No.56/SP GDP/SDOP/21 was received from the Superintendent of Police, Coimbatore District. One Rajendra Prasath, Sub-Inspector of Police, Vadakkaiyapalayam Police Station, had summoned both the petitioner and the counter petitioner, viz., Sivakumar and on enquiry found that initially the petitioner had entered into a sale agreement for 5 acres of agricultural land and thereafter, there seems to be a dispute with the same and in this regard, civil suits are pending and both the petitioner and the counter petitioner have been sending complaint against each other. The respondent Police went to the disputed agricultural land and made enquiry and thereafter advised them to maintain peace. Thereafter, the respondent police referred the matter to the Thasildar, Pollachi, to initiate 145 Cr.P.C., proceedings. Further, the dispute between both the petitioner and the counter petitioner are with regard to enjoyment of the property and both were directed to approach Civil Court and till such time, they should not create any problem and to maintain peace and thereafter the complaint closed.

7. Considering the submission and perused the materials, it is seen that already Thasildar is required to initiate 145 Cr.P.C., proceedings and there are Civil Suits pending between the petitioner and the said Sivakumar. The third respondent police is taking effective steps to maintain peace and tranquility.



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8. In view of the same, nothing survives for further adjudication in this case, this Criminal Original Petition is closed.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Superintendent of Police
Coimbatore District.
- 2.The Deputy Superintendent of Police
District Crime Branch
Coimbatore District.
- 3.The Inspector of Police
Vadakkipalayam Police Station
Pollachi Taluk
Coimbatore District.
- 4.The Public Prosecutor,
High Court, Madras.

Crl.O.P.No.11899 of 2021

PMK(CO)
GN(16/08/2021)