



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.14668 of 2021

Mrs.V.Sumathi

...Petitioner

Versus

1. The Superintendent of Police,
Law and Order(North)
Mettupalayam,
Puducherry 605 009.

2. The Station House Officer,
D.Nagar Police Station
Pondicherry.

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent not to harass the petitioner by demanding her to withdraw O.S.No.1752 of 2020 pending on the file of Principal District Munsif Court, Puducherry.

For Petitioner : M/s.R.Sreedhar

For Respondent : Mr.D.Bharatha Chakravathy
Public Prosecutor(Puducherry)
for R1

ORDER

This Petition has been filed to direct the 2nd respondent not to harass the petitioner by demanding her to withdraw O.S.No.1752 of 2020 pending on the file of the Principal District Munsif Court, Puducherry.

2. The contention of the petitioner is that the petitioner had lodged a complaint before the 2nd respondent on 05.08.2021. Thereafter, she appeared thrice before the 2nd respondent along with his advocate and submitted the documents and gave explanation. Not being satisfied with the same, the 2nd respondent forced the petitioner to withdraw the suit in O.S.No.1752 of 2020 filed by the petitioner against one Thiyalnayaki, which is pending on the file of the Principal District Munsif, at Puducherry, failing which, the petitioner would be implicated in a criminal case.



3. The learned Public Prosecutor (Puducherry) appearing for the respondents would submit that normally police do not entertain any civil disputes or conduct enquiry in the civil dispute. The petitioner, being a complainant, had earlier called for only to give explanation to substantiate his complaint. In future, if his presence is required, he will be called through notice. He would further submit that even by the own admission of the petitioner, one portion of the land has been purchased and in the other portion of the land, which is disputed he is in adverse possession, naturally, it is for the affected persons to agitate the same.

4. I have considered the submissions made on either side and perused the materials available on records carefully.

5. Having gained the property through adverse possession, the petitioner cannot claim absolute right over the property till the Civil Court decide the issue. Despite the same, giving false allegation and making adverse comments against the police is unwanted.

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

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

mrp

To

1. The Superintendent of Police,
Law and Order(North)
Mettupalayam,
Puducherry 605 009.

2. The Station House Officer,
D.Nagar Police Station
Pondicherry.

3. The Public Prosecutor(Puducherry)
High Court, Madras

4.The Principal District Munsif
Puducherry

CRL.O.P.No.14668 of 2021

PL(CO)
SP(17/09/2021)