



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.22739 of 2021

M.Narayani

... Petitioner

Versus

The State:

Rep. by its Inspector of Police,
T-3, Korattur Police Station,
Chennai.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent not to interfere the civil dispute in view of the O.S.No.437 of 2021 which is pending before the learned Additional District Judge, Poonamallee.

For Petitioner : Mr.P.Vijendran

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the respondent not to interfere the civil dispute in view of the O.S.No.437 of 2021 which is pending before the learned Additional District Judge, Poonamallee.

2. The case of the petitioner in brief are as follows:

(i) The petitioner inherited the property of about 78 cents in Survey No.231/1, which is situated at Ambattur Township, from her grandmother. Due to their family circumstances they decided to sell the property and Mr.Mohamed Hanifa who claimed as an Advocate approached the petitioner and her family members and agreed to purchase the property. It is further stated that on the instruction of the said person, the petitioner executed sale agreement in favour of his wife M.Zareena Banu.

(ii) Whiles, due to some dispute regarding the property, the said Mohamed Hanifa, his wife along with his son in law attempted to encroach the property, for which a case in Crime No.1102 of 2021 has been registered against them for the



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offences punishable under Sections 294 (b), 323, 447 and 506 (i) I.P.C. The said Zarina Banu, wife of Mohamed Hanifa also lodged a complaint against the petitioner, her sister and her aunt. which was registered in Cr.No.1098 of 2021, for the offences punishable under Sections 294 (b), 323, 447, 427 and 506 (ii) I.P.C. and the respondent police forwarded both cases to the Tahsildar, Ambattur. Further, a civil suit in O.S.No.437 of 2021 has been filed by Advocate Mr.Mohamed Hanifa along with his wife Zarina Bhanu,V.Gowthamaraj and Mr.M.Rahman in which the petitioner is the third defendant, pending the suit I.A.No.4 of 2021 in O.S.No.437 of 2021 was filed for appointment of Advocate Commissioner to note down the physical features of the suit property and the same was allowed. This being the case, the respondent police is interfering with the petitioner's possession and hence this petition.

3. The learned counsel appearing for the petitioner submitted that the since the civil suit is pending with regard to the dispute, the respondent should not interfere with the same, but the respondent police is giving criminal colour to the civil dispute and is unnecessarily interfering with the same. He further submitted that it is a clear foul play adopted by Mr.Mohamed Hanifa in collusion with the respondent police and other political persons, in order to grab the petitioner's property, which is located in Korattur 200 ft. road.

4. The learned Additional Public Prosecutor appearing for the Respondent submitted that on the complaint lodged by the petitioner a case in Crime No. 1102 of 2021 for the offences punishable under Sections 294 (b), 323, 447 and 506 (i) I.P.C. came to be registered and on the complaint given by one Zarina Banu, a case in Crime No.1098 of 2021 for the offences punishable under Sections 294 (b), 323, 447, 427 and 506 (i) I.P.C. came to be registered. He further submitted that since both the parties have not co-operated for enquiry a case in Crime No.1103 of 2021 was registered by the respondent and the same was forwarded to the Tahsildar, Ambattur for enquiry.

5. Heard both sides. Perused the records.

6. As the pendency of the Civil suit and the Interlocutory Application filed for appointment of Advocate Commissioner and the order passed in I.A. was not informed to the respondent police, the petitioner is directed to produce the copy of the civil suit, I.A. order and the present stage of civil suit, before the Inspector of Police, who shall forward the same to the Tahsildar, Ambattur, to proceed with Section 145 Cr.P.C. proceedings by following the guide lines issued by this Court. This direction is given for the reason that petitioner's apprehension appears to be with reason.



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7. This Criminal Original Petition is disposed of with the above directions.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

arr

To

1.Additional District Judge,
Poonamallee.

2.The Inspector of Police,
T-3, Korattur Police Station,
Chennai.

3.The Public Prosecutor,
High Court, Madras.

4.The Tahsildar,
Ambattur.

+1cc to Mr.P.Vijendran, Advocate SR. No.64548

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AKII (CO)
PR (28/01/2022)