



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :09.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.23071 of 2021

S.Dhakshina Moorthy,
S/o, Subramanian

... Petitioner

Versus

1.The Superintendent of Police,
Cuddalore District.

2.The Inspector of Police,
Anti Land Grabbing Special Cell,
Cuddalore District.

3.Murugavel,
S/o, Late Siva Peruman

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondents not to harass the petitioner.

For Petitioner : Mr.B.Ramprabu

For R1 & R2 : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed by the petitioner to direct the respondents not to harass the petitioner.

2. Learned counsel for the petitioner would submit that complaint against the petitioner has been lodged by the third respondent before the second respondent in C.No.139 of 2021 dated 06.10.2021. Thereafter, summons were issued to the petitioner and the third respondent and on 29.10.2021, both the parties agreed to produce respective documents regarding their possession, ownership and right. The petitioner's grievance is that the petitioner called for enquiry by the second respondent under the guise of enquiry on the complaint lodged by the third respondent, forcing the petitioner to evict from the property in which the petitioner is carrying on his agricultural activities. According to the petitioner, the petitioner's father Subramanian and the third respondent's



father one late.Siva Peruman had entered into an oral agreement and based on the oral understanding, the petitioner is cultivating the land for more than 50 years. Now, the third respondent with help of second respondent police, forced the petitioner to evict the petitioner from the said lands. Hence the petition.

3. Learned Additional Public Prosecutor would submit that the third respondent has lodged a complaint against the petitioner to the first respondent which was forwarded to the second respondent in C.No.139 of 2021 on 06.10.2021. Summons were issued to the petitioner and the third respondent, they appeared before the respondent on 29.10.2021 and again on 08.11.2021. Thereafter, both the parties agreed to produce their respective documents which are in their possession. Though the petitioner gave an undertaking to appear before the respondent on 23.11.2021, but he failed to do so. On instruction, the petitioner would submit that he shall appear before the second respondent along with necessary documents whatever is available to prove that he is in enjoyment of the property for the past 50 years.

4. In view of the above submission, the petitioner is directed to appear before the second respondent on 05.01.2022, failing which, the respondent police is directed to take appropriate action in accordance with law.

5. With the abovesaid direction, the Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

mfa

To

1.The Superintendent of Police,
Cuddalore District.

2.The Inspector of Police,
Anti Land Grabbing Special Cell, Cuddalore District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.B.Ramprabu, Advocate SR. No.65961

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