



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2021

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

CRL.O.P.No.24540 of 2021

K.Chellamuthu

... Petitioner

Versus

1.The Superintendent of Police,
Kallakurichi District,
Kallakurichi.

2.The Inspector of Police,
Chinnasalem Police Station,
Kallakurichi District.

3.Rajendran

4.Muthusamy

5.Pazhaniyappan

6.Muthammal

7.Sudha

8.Raju

9.Kannan

10.Sovan

11.Santhi

12.Narayanakonar

13.Govindhan

14.Chinnasamy

15.Chellammal



16.Selvaraj

17.Ramasamy

18.Thangavel

19.Ramesh

20.Malliga

21.Kolanchiyappan

22.Pazhaniyappan

23.Muthammal

24.Jayaraman

25.Gokilambal

26.Balakumar

27.Jegajothi

28.Vasanthi

29.Selvaraj

30.Perumaiee

31.Arumugam

32.Ramakrishnan

33.Sadhasivam

34.Chandra

35.Chinnasamy Mudhaliyar

36.Thangaraj

37.Kandhasamy

38.Chandra



39. Indra

40. Mageswari

41. Shakthivel

42. Senthilkumar

43. Murugesan

44. Kumarasamy

45. Pazhaniyammal

46. Subramaniyan

47. Jothi

48. Marimuthu

49. Vijaya

50. Govindharaj

51. Kamalam

52. Chinnasamy

53. Sivakami

54. Rajendran

55. Jeyanthi

56. Shanthi

57. Sumathi

58. Varatharajan

59. Raja

60. Manjula

61. Jeya

62. Sakthivel



63.Kaliyaperumal

64.Amirthavalli

65.Govindharaj

66.Senthilkumar

67.Kumar

68.Manickam

69.Mahalingam

70.Elangovan

71.Periyasamy

72.Veeramuthu

73.Sakthivel

74.Devi

75.Thiripurasundari

76.Chellamuthu

77.Gowthami

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent police not to harass the petitioner and not to interfere with the civil dispute between the petitioner and the respondent Nos.3 to 77 in respect of the petitioner's property described in O.S.No.189/2009 pending on the file of the learned Principal District Munsif, Kallakurichi.

For Petitioner :Mr.G.Balamanikandan

For R1 & R2 :Mr.R.Vinothraja
Government Advocate (Crl.Side)

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O R D E R

This petition has been filed seeking a direction, to direct the second respondent police not to harass the petitioner and not to interfere with the civil dispute between the petitioner and the respondent Nos.3 to 77 in respect of the petitioner's property described in O.S.No.189/2009 pending on the file of the learned Principal District Munsif, Kallakurichi.

2.The grievance of the petitioner is that on the complaint of the respondent Nos.3 to 77, the petitioner is being constantly harassed by the respondent police. The petitioner had executed the un-registered Power of Attorney dated 26.02.2021 in favour of the third respondent in respect of the property in Survey No.299/4 to an extent of 0.28 cents. Taking advantage of the Power of Attorney, the third respondent by way of other forged Power of Attorney had executed several Sale Deeds in favour of other private respondents i.e. respondent Nos.4 to 77 in respect of the petitioner and his brother's entire properties and on the strength of the forged Sale Deeds, with regard to Survey Nos.299/4, 299/5 and 306/3.

3.The respondent Nos.4 to 77 known well that the third respondent had got no valid power of attorney and the respondent Nos.3 to 12 were trying to interfere with the peaceful possession and enjoyment over the petitioner's property. Therefore, the petitioner and his brother's minor children were forced to file a Civil Suit in O.S.No.189 of 2009 before the Principal District Munsif Court, Kallakurichi. Thereafter, the petitioner came to know about the encroachment by other respondents i.e. respondent Nos.13 to 77. Therefore, the petitioner has filed an interlocutory application in I.A.No.577 of 2020, to implead the respondent Nos.13 to 77 as respondents in the said suit, which is still pending for counter of the respondents. At this time, a false complaint is filed by the respondents to create a defence in the civil suit to deter the petitioner to further pursue the suit. The respondent Nos.3 to 77 had filed a false complaint earlier, for which the petitioner had appeared before the second respondent and gave his explanation. For obvious reason, the petitioner being an aged person aged about 66 years is un-necessarily harassed. Hence, he filed this present petition.

4.The learned Government Advocate [Crl. Side] submits that in case of such circumstances, the appearance of the petitioner along with necessary documents is required. Thereafter, appropriate steps would be taken by the respondent police.



5.Considering the submissions and on perusal of the materials, this Court finds that it is a civil dispute and no further harassment is to be given to the petitioner. In view of the same, the petitioner is directed to appear before the respondent police on 22.12.2021 and produce the required documents and thereafter, the respondent police is directed to take appropriate action in the manner known to law.

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

Sd/-

Assistant Registrar(CS-IV)

// True Copy //

Sub Assistant Registrar

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To

1.The Principal District Munsif,
Kallakurichi.

2.The Superintendent of Police,
Kallakurichi District,
Kallakurichi.

3.The Inspector of Police,
Chinnasalem Police Station,
Kallakurichi District.

4.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.G.Balamanikandan, Advocate SR.No.67852

CRL.O.P.No.24540 of 2021

EV(CO)
CB(04/01/2022)