



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:17.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.O.P. (MD)No.726 of 2021

G.Krishnamoorthy

...Petitioner

Vs.

1.The Deputy Superintendant of Police,
Nilakkottai Sub-Division, Nilakkottai,
Dindigul District.

2.A.G.Muthuvel

3.G.Chandramohan

...Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the first respondent not to interfere in civil dispute and property rights between the petitioner and the respondents 2 and 3.

For Petitioner

:Mr.N.Satheeshkumar

For R-1

:Mr.K.Suyambulinga Bharathi

Government Advocate (crl.side)

O R D E R

This petition has been filed seeking a direction to the first respondent not to interfere in the civil dispute and property rights between the petitioner and the respondents 2 and 3.

2.The case of the petitioner is that the third respondent is the brother of the petitioner and the second respondent is the husband of the petitioner's sister. There is a dispute arose between the petitioner and his sisters and brother in respect of sharing the properties. Hence, a suit in O.S.No.32 of 2014 was filed seeking the relief of partition by the third respondent along with two sisters namely Manimegalai and Susila and the same is pending. In the meanwhile, the third respondent filed a writ petition before this Court in W.P(MD) No.18915 of 2019 seeking the relief of writ of mandamus to direct the first respondent therein to take action to lock and seal the suit mentioned property and the same is also pending for adjudication. The suit mentioned properties were settled by the ancestors to the male members of the family and the third respondent has no right in the suit mentioned property.



3.The further case of the petitioner is that the second respondent using his influence instructed the first respondent to conduct Katta Panchayat in his station in respect of sharing the suit mentioned properties. Accordingly, the third respondent lodged a complaint before the first respondent. On the basis of the complaint, the petitioner was called for an enquiry on 05.01.2021 and on appearance, the petitioner narrated all the facts of the case and the litigations. Thereafter, on 06.01.2021, the petitioner appeared before the first respondent for enquiry and on enquiry, the first respondent compelled the petitioner to hand over the shares to the female members of the family and directed the petitioner to give a statement that he has to appear before the first respondent as and when required. It is purely civil dispute and the respondent police has no role to adjudicate the issue involved in the litigations. Hence, the petitioner filed the present petition seeking a direction not to interfere in civil dispute and properties right.

4.According to the learned Government Advocate (crl.side), based upon the complaint given by the third respondent, the enquiry was conducted and the same closed on the ground that it is a civil dispute and the parties must be workout their remedy before civil forum.

5.According to the learned counsel for the petitioner, his main grievance is that an undertaking letter dated 06.01.2021 has been obtained by the respondent police, as if the petitioner has to appear before the police station as and when required in respect of the suit in O.S.No.32 of 2014 pending on the file of the District Court, Dindigul and they are harassing the petitioner.

6.In view of the submission made by both counsel, there shall a direction to the first respondent herein not to insist the appearance of the petitioner in respect of the civil suit in future, except on specific criminal complaint if any, in future.

7.With the above directions, this Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for

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official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The Deputy Superintendant of Police,
Nilakkottai Sub-Division, Nilakkottai,
Dindigul District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

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