

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reservation	13.08.2021
Date of Order	26.10.2021

CORAM:

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THE HON'BLE MR JUSTICE G.ILANGO VAN

Cr1.O.P. (MD) No.4281 of 2021

C.Sujinraja : Petitioner

Vs.

1.The Commissioner of Police,
O/o.The Commissioner of Police,
Tirunelveli City.

2.The Assistant Commissioner of Police,
Tirunelveli City,
Tirunelveli.

3.The Inspector of Police,
Town Police Station,
Tirunelveli.

4.Mrs.Rameshwari,
The Inspector of Police,
Town Police Station,
Tirunelveli District.

5.P.Chandrasekar : Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, to issue a direction to the respondents 2 to 4 not to interfere in civil dispute regarding suit pending in O.S Nos.227 of 2019 and 228 of 2019 on the file of the District Munsif Court, Tirunelveli and not to harass the petitioner and his family members without any legally sustainable complaint and to direct the respondents 2 to 4 to follow the guideline issued by the Hon'ble Supreme Court in D.K.Basu (1997 1 SCC 4126) case, in the matters pertaining to arrest or interrogation within the time period stipulated by this court.

For Petitioner : Mr.T.Thirumurugan

For R1 to R4 : Mr.R.M.Anbunithi
Additional Public Prosecutor

For 5th Respondent : Mr.R.Anand



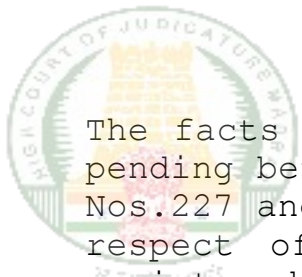
O R D E R

This petition is filed seeking for direction to the respondents 2 to 4 not to interfere in civil dispute regarding the pending suits in O.S Nos.227 of 2019 and 228 of 2019 on the file of the District Munsif Court, Tirunelveli and not to harass the petitioner and his family members without any legally sustainable complaint and to direct the respondents 2 to 4 to follow the guideline issued by the Hon'ble Supreme Court in the case of D.K.Basu (1997 1 SCC 4126), in the matters pertaining to arrest or interrogation.

2.The case of the petitioner in brief is that the petitioner owns property in Survey No.327 to an extent of 46 cents and an extent of 6 cents in Survey No.334/1 and 11.50 Acres in Survey No.337 situated at Kandiyaperi Village, Tirunelveli District. He is also having another property in T.S No.2630/7 to an extent of 11 cents and 16 cents in T.S No.2632. He created a trust called "Sri Puthu Amman Kovil Trust, involving in social activities also. One Perumal Pallavarayar, who is the father of the 5th respondent tried to grab the property and was making disturbance. So, he filed a suit in O.S No.229 of 2019 before the District Munsif, Tirunelveli, for permanent injunction. Similarly the above said Perumal Pallavarayar has also filed a suit in O.S No.227 of 2019 on the file of the District Munsif, Tirunelveli and it is also pending. Pending above two original suits, on 29.11.2020 at about 5.15 pm, the 5th respondent and others attacked the petitioner and his family members by calling their caste name. So the petitioner was admitted in the Government Hospital, Tirunelveli, for treatment. But in-spite of registering the case against the above said person, this case has been foisted in Crime No.1298 of 2020 against this petitioner and his family members for the offence under sections 147, 148, 294(b), 323, 307 and 506(ii) IPC. The petitioner was also remanded and on 30.12.2020, the 2nd respondent has served 111 Cr.P.C proceedings to the petitioner's brother namely Jeyasurya. So, both of them appeared before the Enquiry Officer and at that time, the 4th respondent insisted the petitioner and his brother to hand over the temple property to the 5th respondent. In the meantime, on 14.01.2021 at about 12.00 p.m, the 3rd respondent police officials trespassed into the house of the petitioner and threatened him to vacate the premises. Similarly, it was also repeated on 03.03.2021 at about 12.00 pm. The 4th respondent abused and threatened the petitioner to execute a bond. Even though, the harassments did not stop, a representation was sent to the police, on 12.03.2021. Hence, this petition.

3.Heard both sides.

<https://hcservices.courts.gov.in/hcservices/> case of alleged harassments by the official respondents at the hands of the 5th respondent in a civil dispute.



The facts mentioned in the petition shows that civil disputes are pending between the petitioner and the 5th respondent herein in O.S Nos.227 and 228 of 2019 as stated above. It was also seen that in respect of the above said issue, criminal case has also been registered against this petitioner and others. According to the petitioner, it is a false case, foisted by the 5th respondent. But whatever it may be, whether the occurrence took place or not can be matter for consideration during trial. Similarly, the contention of the petitioner is that he and family members brutally attacked by the 5th respondent and others and they were also admitted in the hospital. But in-spite of that, cases have been registered against the 5th respondent and others, cannot be a matter for consideration and discussion in this petition.

5. Though the AR copy of the petitioner and his brother Jeyasurya were produced by the petitioner in the typed set, a short question, which arises for consideration is whether the harassment alleged by the petitioner is true or not and any prima facie material is available to direct the official respondents not to harass the petitioner.

6. A perusal of the counter affidavit filed by the 3rd respondent police shows that proceedings under section 111 Cr.P.C has been initiated against the petitioner and his brother and on 08.01.2021, they executed a bond for a sum of Rs.50,000/- for maintaining good behavior before the Deputy Commissioner of Police/Executive Magistrate, Tirunelveli. When that is being so, the contention on the part of the petitioner that a threat was made by the 4th respondent police to execute a bond to keep good behaviour is completely not true. Suppressing the above said execution of the bond, it appears that this petition came to be filed. So the petitioner ought to have challenged the proceedings issued under section 111 of Cr.P.C in a separate proceedings. But without challenging the same, this petition has been filed as if the official respondents harassed the petitioner with the connivance of the 5th respondent herein, which is absolutely baseless.

7. It is also seen that the petitioner is also facing a serious case for the offence under section 302 IPC, for which also, FIR has been registered against him. So, the petitioner has to face the investigation in the above said criminal case. It appears that absolutely no merit in this case. Further, in respect of registration of the complaint given by the petitioner, the petitioner can workout his remedy through proper proceedings and that cannot be taken advantage of the petitioner to argue that he has been harassed by the official respondents herein.

<https://hcservices.courts.gov.in/hcservices/> 8. So, there is no merit in this petition. Accordingly, this criminal original petition stands **dismissed**. But however, liberty



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is given to the petitioner to work his remedy through proper proceedings in the manner known to law, in respect of the alleged assault made against him.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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Note :

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

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O/o.The Commissioner of Police,
Tirunelveli City.
- 2.The Assistant Commissioner of Police,
Tirunelveli City, Tirunelveli.
- 3.The Inspector of Police,
Town Police Station, Tirunelveli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

The District Munsif Court, Tirunelveli.

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-32803[F] dated 27/10/2021)

Cr1.OP (MD) No.4281 of 2021
26.10.2021

RK/NS (22/11/2021) 4P 7C