



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.04.2021

CORAM :

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THE HONOURABLE **Mr. JUSTICE G.ILANGO VAN**

Crl.O.P.(MD).No.6181 of 2021

Senthilmurugan

... Petitioner

Vs.

State rep by

1. The Commissioner of Police,
Madurai City,
Madurai.

2. Inspector of Police,
Thiruparankundram Police Station,
Madurai City.

3. The Sub Inspector of Police,
Thiruparankundram Police Station,
Madurai City.

4. K.Sikkandar

... Respondents

Prayer : Criminal Original Petition is filed under Section 482 of Code of Criminal Procedure, to direct the second and third respondents not to harass the petitioner or pass any Order of direction as this Court deems fit to the circumstance of this case.

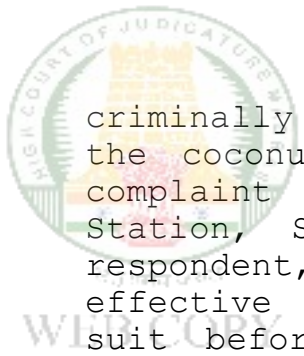
For Petitioner : Mr.A.Mohamed Hashim

For Respondents : Mr.K.Suyambuliga Bharathi,
Government Advocate (Crl.Side)
For R1 to R3.

ORDER

This Criminal Original Petition is filed seeking a direction to the second and third respondents not to harass the petitioner.

2. The petitioner is a tenant and the 4th respondent is the landlord of the Coconut Farm comprised in S.No.38/1B & 1/V of Kazhuvankulam Village, Manamadurai Taluk, Sivgangai District. The petitioner and 4th respondent entered into an unregistered lease agreement on 07.09.2020 and lease amount is Rs.1,90,000/- and the duration of lease is for 3 years and thereafter, the petitioner obtained the possession of the property and peacefully did coconut farming and that on 08.03.2021, the 4th respondent and his son Asarchen along with hirelings trespassed into the Coconut Farm and



criminally intimidated this petitioner and demanded the profit from the coconuts and this petitioner refused the same and lodged a complaint before the Inspector of Police, Thirupuvanam Police Station, Sivagangai District. Due to the influence of the 4th respondent, the Thirupuvanam Police Officials did not take any effective steps and thereafter the petitioner filed an injunction suit before the learned District Munsif Court, Thirupuvanam on 23.03.2023 and same is pending in O.S.No.29 of 2021 and on 06.04.2021 at 5.30 p.m, while the petitioner and his wife was working in the said Coconut Farm, the 4th respondent and his son along with their hirelings entered into the said Farm and brutally attacked this petitioner and his wife. They were admitted as inpatient in Madurai Rajaji Government Medical College Hospital and took treatment. Next day, the Sub Inspector of Police, Thirupuvanam Police Station came to the Hospital and recorded the statement from the petitioner but the said Thirupuvanam Police Officials did not take any steps against the fourth respondent. Thereafter, this petitioner lodged a complaint before the Superintendent of Police, Sivagangai District and the same is pending. On 22.04.2021, the second respondent called the petitioner through his phone from cell no.7904635696 and asked him to come to the police station at 6.00 p.m. The petitioner also went to the second respondent police station, where the third respondent said to the petitioner that he has received Rs.1,50,000/- from the fourth respondent to hand over the possession of the said coconut farm on or before 27.04.2021 at 11.00 p.m and if the petitioner refuses to accept this deal, he will foist a false case against him and if FIR registered against him and he will not be able to get into the Civil Services. The petitioner herein is a Civil Services Aspirant hailing from poor family backdrop and trying hard to crack the UPSC Examination. Taking advantage of that, the second and third respondents herein are blackmailing the petitioner, by threatening to foist a false case against him if he fails to hand over the possession of the said Coconut Farm. The third respondent had forcefully obtained a statement from this petitioner and this act of the third respondent is *Prima Facie*. Hence, he filed this present Criminal Original Petition.

3. The learned Additional Public Prosecutor would submit that even though the petitioner is a lessee, the allowed third parties to enter the property and threatened the family members of the third respondent. In this regard, the third respondent has filed a complaint in C.P.No.24/ACB/Tiruvanmiyur, 2021 and the enquiry is underway. He would submit that the petitioner has to appear and co-operate for the enquiry.

4. In view of the submissions made by the learned Additional Public Prosecutor, since a complaint is given by the third respondent, the petitioner has to appear before the concerned Enquiry Officer and cooperate for the enquiry.



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

Sd/-

Assistant Registrar (CS II)

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/ /2021

Sub Assistant Registrar(CS)

kmm

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.

To

1. The Commissioner of Police,
Madurai City,
Madurai.
2. Inspector of Police,
Thiruparankundram Police Station,
Madurai City.
3. The Sub Inspector of Police,
Thiruparankundram Police Station,
Madurai City.

+1 CC to M/s.A.MOHAMED HASHIN, Advocate (SR-18130[F] dated 30/04/2021)

Crl.O.P. (MD)No.6181 of 2021
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MGJ(11.08.2021) 3P 5C