



WEB COPY

Crl.O.P(MD).No.9224 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 26.07.2021

Pronounced on : 02.11.2021

CORAM:

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

Crl.O.P.(MD)No.9224 of 2021

Sankaran

... Petitioner

Vs.

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

2.The Inspector of Police,  
Anti-Land Grabbing Special Cell,  
Office at District Police Office,  
Tirunelveli.

3.Jessie Kala

4.Evanchigal Geetha

5.E.Thirumalai,  
Special Sub-Inspector of Police,  
Anti-Land Grabbing Special Cell,  
Office at District Police Office,  
Tirunelveli District.

... Respondents

**PRAYER:** Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondents 1 and 2 herein not to interfere the Civil dispute under guise of the enquiry without following the procedure established by law.

For Petitioner : Mr.S.Krishnan

For Respondents : Mr.R.M.Anbunithi

Additional Public Prosecutor(Crl.Side)  
for R1 and R2

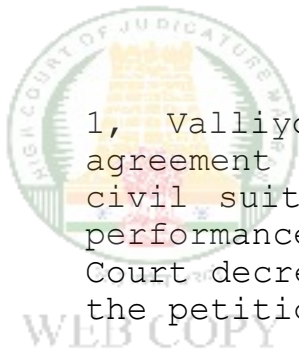
: Mr.R.M.Suresh  
for R4

R3&R5 : NO Appearance.

### **ORDER**

This petition has been filed to direct the respondents 1 and 2 herein not to interfere the Civil dispute under guise of the enquiry without following the procedure established by law.

2.The case of the prosecution is that the petitioner has purchased the property from the third respondent on 28.08.2020 vide document No.1706 of 2020 to an extent of 917 Squire meter equal to 22.5 cents bearing S.No.1255/3B3 at Gandhi Colony, Valliyoor North-



1, Valliyoor. The petitioner has already entered into a sale agreement with the third respondent and thereafter he filed the civil suit in O.S.No.221 of 2019 seeking the relief of specific performance and it was decreed on 07.01.2020. Based on the Civil Court decree, the third respondent executed a sale deed in favour of the petitioner.

3.The respondents 3 and 4 are sisters. Due to property dispute, third respondent also filed a suit against the fourth respondent and henchmen in O.S.No.41 of 2020 before the learned District Munsif Court, Valliyoor and the same is pending and the fourth respondent also filed a petition before the District Revenue Officer, Cheranamahadevi, under the Senior Citizen Act 2007 for cancelling the settlement deed and the same was dismissed by directing the fourth respondent to approach the Civil Court. By suppressing the above said facts, the third respondent entered into the sale agreement with the petitioner. Only after verification of the encumbrance certificate, the petitioner has purchased the property. The fourth respondent appeared before the fifth respondent and gave a false complaint by suppressing all these facts and the fifth respondent police has issued the summon under Sections 91 and 160 of Cr.P.C and called the petitioner for enquiry and harassed him.

4.Heard both sides.

5.The petitioner entered into the sale agreement with the third respondent in respect of the above said property. As per the decree passed in O.S.No.221 of 2019 with regard to the sharing of their suit property between the third respondent and the fourth respondent herein, who are the sisters, the property purchased by the petitioner in portion of the above said suit. The decree shows that 22.5 cents which is the 1-1/3<sup>rd</sup> share of the petitioner. Originally, the property belonging to one Lalitha Bai, the mother of the respondents 3 and 4 herein, she executed a settlement deed in favour of her children namely Raja Jesudas, Evanjelin Geetha and Jesikala. The above said Lalitha bai executed a separate settlement deed.

6.The fourth respondent has given a complaint before the concerned official stating that the petitioner is entitled to only 11.75 cents and not 22 cents.

7.The suit in O.S.No.41 of 2020 is also pending before the District Munsif Court, Valliyoor, which was filed by the third respondent for permanent injunction and that the suit has been filed on the basis of the settlement executed by the Lalitha Bai.

8.The dispute clearly shows that it is purely Civil dispute between the children of the Lalitha Bai. Whether, the petitioner is entitled to 22 cents, which was sold to him by the third respondent, can be decided only before the Civil Court.



9.The learned counsel for the fourth respondent would submit that suppressing all the true facts, the sale agreement has been entered and also would submit that the suit in O.S.No.312 of 2013 has been withdrawn with liberty to file a fresh suit upon which, the above suit in O.S.No.41 of 2020 has been filed.

10. Considering the facts and circumstances of this Case, this is Court is of the considered view that the fifth respondent is not having any right to enquire and interfere with the civil dispute, so the fifth respondent is directed to close the complaint given by the fourth respondent by directing the respondents 3 and 4 to workout their remedy through proper civil proceedings.

Accordingly, the Criminal Original petition is allowed.

Sd/-

Assistant Registrar (T&P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

tta

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 Superintendent of Police,  
Tirunelveli District, Tirunelveli.

2.The Inspector of Police,  
Anti-Land Grabbing Special Cell,  
Office at District Police Office, Tirunelveli.

3.E.Thirumalai,  
Special Sub-Inspector of Police,  
Anti-Land Grabbing Special Cell,  
Office at District Police Office,  
Tirunelvelid District.

4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

**Crl.O.P. (MD) No.9224 of 2021**

**02.11.2021**

\_RD/SKN(22.11.2021) 3P 5C