



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.07.2021

CORAM:

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

Crl.O.P.(MD)No.9818 of 2021

M.Aswinkumar

... Petitioner

Vs.

1.The Commissioner of Police,
Madurai City,
Madurai-7.

2.The Assistant Commissioner of Police,
Law and Order,
Thilagar Thidal Police Station,
Madurai - 1.

3.The Inspector of Police,
Thilagar Thidal Police Station,
Madurai -1.

4.K.Vigneswaran

...Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondents 1 to 3 not to interfere with the civil dispute between the petitioner and the fourth respondent in the guise of the civil suit in O.S.No.284 of 2021, on the file of the Additional District Munsif of Madurai.

For Petitioner : Mr.M.Mohamed Sherbudeen

For R1 to R3 : Mr.R.M.Anbunithi

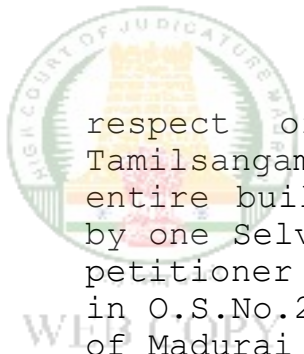
Additional Public Prosecutor.

ORDER

This petition has been filed to direct the respondents 1 to 3 not to interfere with the civil dispute between the petitioner and the fourth respondent as civil suit in O.S.No.284 of 2021, on the file of the Additional District Munsif of Madurai is pending.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor(Crl.side) for the respondents 1 to 3.

3.The case of the petitioner is that the petitioner entered into Othi Agreement with the fourth respondent on 24.06.2020, in



respect of Door No.Old.No.86, New NO.86B/4 in T.S.No.756/1, Tamilsangam Road, Madurai. The agreement was for five years. The entire building is in occupation of the petitioner, after vacation by one Selvakumar. Later the fourth respondent is insisting upon the petitioner to vacate the premises. So, the petitioner filed a suit in O.S.No.284 of 2021, on the file of the Additional District Munsif of Madurai Town, seeking permanent injunction and the suit is posted on 17.08.2021. The fourth respondent broke open the shop on 15.07.2021 and hence the petitioner's mother made a representation to the first respondent on 16.07.2021, seeking police protection. Since there was no action on the part of the respondents, the petitioner is before this Court with the present Criminal Original Petition.

4.The learned Additional Public Prosecutor(Crl.side) would submit that based upon the complaint given by the fourth respondent, enquiry was undertaken and a case in Crime No.382 of 2021 has been registered under Section 145 Cr.P.C and recommendation also made to the Tahsildar, Madurai Town and the next date of hearing was 20.07.2021.

5.The learned counsel for the petitioner would submit that no such notice has been received by him.

6.Recording the submission made by the learned Additional Public Prosecutor(Crl.Side) that since 145 Cr.P.C Proceedings has been initiated, question of harassment does not arise. The petitioner is at liberty to work out his remedy before the concerned Court.

7.With the above observation, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar (CRL)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

vrn

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-7.

2.The Assistant Commissioner of Police,
Law and Order,
Thilagar Thidal Police Station,
Madurai - 1.

3.The Inspector of Police,
Thilagar Thidal Police Station,
Madurai -1.

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

Crl.O.P. (MD)No.9818 of 2021
23.07.2021

KB(03.08.2021) 3P 5C