



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05/08/2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Crl.O.P. (MD) No.10643 of 2021

K.P.Alagarsamy

... Petitioner

Vs.

1.The Assistant Commissioner of Police,
Thiruparankundram,
Madurai

2.The Inspector of Police,
Avaniyapuram Police Station,
Madurai

3.A.M.Thulasi Ram

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the respondents 1 and 2 not to harass the petitioner under the guise of enquiry based on the complaint given by the third respondent and also not to interfere in the civil dispute.

For Petitioner	: Mr.T.C.S.Thillainayagam
For R-1 and R-2	: Mr.R.M.Anbunithi
	Additional Public Prosecutor

O R D E R

This petition has been filed to direct the respondents 1 and 2 not to harass the petitioner under the guise of enquiry based on the complaint given by the third respondent.

2. The case of the petitioner is that he obtained power of attorney deed dated 22.08.2007 from one Ravi Devaraj in respect of the property situated in S.No.351/2BA1, S.No.351/2B5, S.NO.337/2A1 and S.No.351/5 in Avaniyapuram, Madurai. On 20.02.2021, the petitioner's manager by name Ganesan went to the property for the purpose of cleaning at the time the third respondent and his henchmen came there and threatened the manager not to enter into the property. At that time, the third respondent has told that Rs.1 lakh must be paid. The said Ganesan preferred a complaint before the second respondent and CSR No.234 of 2021 has been assigned. It is stated to be pending. In the mean time, on the basis of the complaint given by the third respondent, enquiry has been undertaken



and on that basis he has been harassed. According to the learned counsel for the petitioner even as per the allegations made by the third respondent, it is purely a civil dispute involving a sale agreement. It is also seen that there are exchange of notice between the petitioner and the third respondent through Advocates. This sale agreement that has been mentioned by the third respondent is denied and disputed by notice dated 4.3.2021.

3. The learned Additional Public Prosecutor submits that there is an unregistered agreement and the petitioner received Rs.18 lakhs and thereafter did not execute sale deed. He would further submit that since there is civil dispute between the petitioner and the third respondent, complaint has been closed temporarily. The learned Additional Public Prosecutor undertakes that he will instruct the second respondent to advice both parties to approach the civil court for appropriate remedy and close the complaint permanently.

4. Recording the undertaking given by the learned Additional Public Prosecutor, this petition is disposed of.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

CM

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 Assistant Commissioner of Police,
Thiruparankundram, Madurai

2.The Inspector of Police,
Avaniyapuram Police Station, Madurai

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

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TR(12.08.2021) 2P 4C