



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGOVAN

CrI.O.P. (MD) No.13384 of 2021

Maruthathaal

... Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Thalaiyuthu Sub Division,
Tirunelveli.

3.The Sub Inspector of Police,
Devarkulam Police Station,
Tirunelveli District.

... Respondents

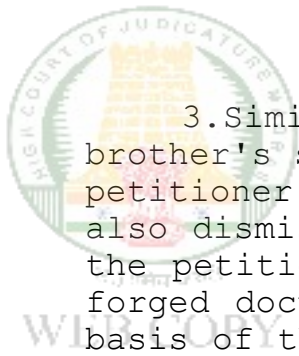
PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the respondents 2 and 3 not to harass this petitioner and her family members forthwith, on the basis of the petitioner's representations dated 25.06.2021 and 17.07.2021.

For Petitioner	: Mr.N.Marimuthu
For Respondents	: Mr.R.M.Anbunithi
	Additional Public Prosecutor
	(CrI.Side)

ORDER

This petition is filed seeking direction to the respondents 2 and 3 not to harass this petitioner and her family members forthwith, on the basis of the representations dated 25.06.2021 and 17.07.2021.

2.The learned counsel appearing for the petitioner would submit that the husband of the petitioner purchased the property situated in S.No.160/3, now sub divided as S.Nos.160/3A and 160/3C, total extent of 7 acres and 20 cents through a registered sale deeds dated 25.10.1988 and 10.09.1990. Some of the private parties claimed right over the property. (*)**So, the husband of the petitioner has filed O.S.No.487 of 1990 and in that suit, exparte decree has been granted. There after to setaside the exparte decree, IA.2569 of 1992 was filed under Limitation Act Mariappan and others and that came to be dismissed on 22.12.1994.**



3. Similarly, one Kalipandian, who is the aforesaid Mariappan brother's son, has filed a suit in O.S.No.165 of 2008 by adding this petitioner and the aforesaid Mariappan as parties and that suit was also dismissed for default on 11.06.2010. Similarly, the husband of the petitioner filed a suit in O.S.No.105 of 2015 to set aside the forged document. Now it is ripe for trial. In the meantime, on the basis of the complaint of the rival parties, now the petitioner has been harassed. Similarly, on the basis of the complaint given by one Elizabeth Rani, a case in Crime No.172 of 2021 for the offences punishable under Sections 147, 294(b), 427 and 506(i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 has been registered against 5 persons including this petitioner.

4. The learned counsel appearing for the petitioner would submit that even though a case has been registered against this petitioner, she obtained anticipatory bail. Since the petitioner is in possession of the property, the official respondents herein are harassing her.

5. The learned Additional Public Prosecutor (Crl.side) appearing for the respondents would submit that based upon the rival claim between the parties, there was a law and order problem. So, proceeding under Section 145 of Cr.P.C. has been initiated against this petitioner by the Revenue Divisional Officer, Devarkulam, Tirunelveli District and now, it is pending.

6. Since proceedings under Section 145 of Cr.P.C. has been initiated against this petitioner, she can workout her remedy before the appropriate Court through appropriate proceedings. So, the question of harassment in this facts and circumstances may not arise.

7. This petition is disposed of with the aforesaid observations.

Sd/-

Assistant Registrar (CO)

(*) Order amended as per Court Order at 29.09.2021, in Crl OP(MD) No.13384/2021.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

mm



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.

WEB COPY

To

(*)Substitute the order copy already despatched on 23.09.2021.

- 1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
- 2.The Deputy Superintendent of Police,
Thalaiyuthu Sub Division,
Tirunelveli.
- 3.The Sub Inspector of Police,
Devarkulam Police Station,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.U.KRISHNASAMY, Advocate (SR-28805[F] dated 13/09/2021)

**Crl.O.P. (MD)No.13384 of 2021
13.09.2021**

NSN(CO)
SB(22.09.2021) 3P 6C
RK(12.10.2021) 3P 6C