



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGOVAN**
Crl.O.P. (MD)No.15092 of 2021

Antony Muthu Nadar

... Petitioner

Vs.

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

2.The Inspector of Police,
Panagudi Police Station,
Rathapuram taluk,
Tirunelveli District.

3.Thirumani Ammal

... Respondents

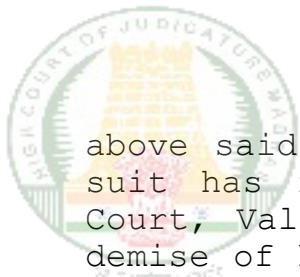
PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the 2nd respondent not to harass the petitioner by preventing him from entering in his land admeasuring Acre 1 Cents 45 in Old Survey Number 1326 and resurvey Number 1326/1 at Levinchipuram Village, Radhapuram Taluk, Tirunelveli District in violation of decree made in O.S.No.346 fo 2005 dated 18.06.2010 on the file of Additional District Munsif Court, Valliyoor, Tirunelveli District.

For Petitioner	: Mr.S.R.Anbarasu
For Respondents	: Mr.R.M.S.Sethuraman
	Additional Public Prosecutor

O R D E R

This petition has been filed seeking a direction to the the 2nd respondent not to harass the petitioner by preventing him from entering in his land admeasuring Acre 1 Cents 45 in Old Survey Number 1326 and resurvey Number 1326/1 at Levinchipuram Village, Radhapuram Taluk, Tirunelveli District in violation of decree made in O.S.No.346 fo 2005 dated 18.06.2010 on the file of Additional District Munsif Court, Valliyoor, Tirunelveli District.

2.The case of the petitioner is that the petitioner's wife by name Savari Ammal, has filed a suit in O.S.No.346 of 2005, before the Additional District Munsif Court, Valliyoor, for permanent injunction against one Vincent and a decree was also passed in favour of the petitioner's wife on 18.06.2010. Challenging the



above said decree, Vincent, who is the defendant in the above said suit has filed an appeal in A.S.No.128 of 2011, before the Sub Court, Valliyoor, that was also dismissed on 09.08.2016. After the demise of his wife, the petitioner continued to be in possession of the property. Now without any basis, the third respondent, who is the wife of the above said Vincent has gave a complaint alleging that the property is belongs to her husband and the petitioner is trying to tress pass into the property. Based on the abvoe said complaint harassment is made by the second respondent.

3.The learned Additional Public Prosecutor submitted that based upon the complaint given by the third respondent enquiry has been undertaken in CSR No.553 of 2021 and during the course of enquiry, it was found that against the judgment and decree passed in A.S.No.128 of 2011, the third respondent has filed C.M.P.(MD). No.7397 of 2005 before this Court and it is stated to have pending. At that time, both parties were given undertaking to the effect that till the dispute is resolved by this Court, they will not make any trouble with each other. Recording the undertaking, the complaint has been closed.

4.Since the complaint has been closed based on the undertaking given by both parties continuation of harassment may not exists. Recording the submission of the learned Additional Public Prosecutor and placing on record the undertaking given by both parties, this criminal original petition is dismissed as infructuous.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

TM

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 Additional District Munsif,
Valliyour, Tirunelveli District.

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



3.The Inspector of Police,
Panagudi Police Station,
Rathapuram taluk,
Tirunelveli District.

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

Crl.O.P. (MD) No.15092 of 2021
05.10.2021

NSN(CO)
KB(22.10.2021) 3P 5C