



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.10.2021

CORAM :

WEB COPY

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

Crl.O.P. (MD) No.16273 of 2021

R.Shanthi ... Petitioner

Vs.

1.The Superintendent of Police,
Ramanathapuram District.

2.The Deputy Superintendent of Police,
Paramakudi, Ramanathapuram District.

3.The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.

4.Subramani ... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent Nos.1 and 2 herein to instruct the respondent No.3 to not to interfere in the civil dispute in respect of the property comprised in Survey No.493/10B1B situated at Thelichathanallur Village, Paramakudi Taluk, Ramanathapuram District on the pretext of enquiry in pursuance to the complaint lodged by the fourth respondent.

For Petitioner	: Mr.R.Shenbagaraj
For R-1 to R-3	: Mr.RMS.Sethuraman
	Additional Public Prosecutor

ORDER

This petition has been filed seeking direction to the respondent Nos.1 and 2 herein to instruct the respondent No.3 to not to interfere in the civil dispute in respect of the property comprised in Survey No.493/10B1B situated at Thelichathanallur Village, Paramakudi Taluk, Ramanathapuram District on the pretext of enquiry in pursuance to the complaint lodged by the fourth respondent.

2.The case of the petitioner is that in respect of the property in dispute between the petitioner and fourth respondent herein a suit in O.S.No.60 of 2003 was filed by the petitioner and that was dismissed on 20.09.2004, against which A.S.No.77 of 2004 has been



filed before the first appellate Court, that was also dismissed on 30.08.2006, against which second appeal in S.A.(MD).No.1106 of 009 has been filed before this Court. Now it is pending. Pending the above adjudication, the fourth respondent has given a complaint, based upon which the third respondent, pressurized the petitioner to hand over the possession of the property to the fourth respondent. Hence, the petition.

3.The learned Additional Public Prosecutor submitted that based upon the complaint given by the fourth respondent enquiry was undertaken in C.S.R.No.736 of 2021 and during the course of enquiry it was found that it is a civil dispute between the parties with regard to 9 feet in S.F.No.493 of 2011 and in respect of which second appeal is pending before this Court. Hence, the complaint was closed directing the parties to workout their remedy in the pending civil proceedings.

4.Since the complaint given by the fourth respondent is closed, nothing survives for further consideration in this petition and harassment at the hands of the third respondent may not exist at this stage. Hence, the prayer sought for in this petition has become infructuous.

5.Accordingly, this criminal original petition is disposed of as infructuous.

Sd/-

Assistant Registrar

// True Copy //

/ /2021

Sub Assistant Registrar

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,
Ramanathapuram District.
- 2.The Deputy Superintendent of Police,
Paramakudi, Ramanathapuram District.
- 3.The Inspector of Police,
Paramakudi Town Police Station,
Ramanathapuram District.



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

Crl.O.P.(MD)No.16273 of 2021
26.10.2021

TM
MS/29.11.2021/3P.5C