



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P (MD)No.17523 of 2021

WEB COPY

S.Kalyan Raman

... Petitioner

Vs

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

2.The Deputy Superintendent of Police,
District Crime Branch,
Tanjore.

3.The Inspector of Police,
District Crime Branch,
Tanjore.

4.Rajarajeshwari

... Respondents

PRAYER: Petition filed under Section 482 Code of Criminal Procedure, to direct the respondents 2 and 3 not to harass the petitioner in the name of enquiry and by interfering in a civil dispute in respect of the land and building in old S.NO.1/1, New S.No.42/1, Door No.10 to an extent of 9,000 sq.ft and Door No.87A to an extent of 13,500 sq.ft situate at Thiripurasundarai Nagar, Nilgiri South, Tanjore Taluk.

For Petitioner : Mr.B.Saravanan
For R1 to R3 : Mr.M.Veeranthiran
Government Advocate

ORDER

Heard the learned counsel for the petitioner and the learned Government Advocate for R1 to R3.

2.Considering the nature of relief to be granted, notice to the fourth respondent is dispensed with.

3. The case of the petitioner is that the suit property belonged to his paternal aunt Janakiammal. She had originally executed a Will in favour of the fourth respondent. Later on, it was cancelled and thereafter, a fresh Will was executed in the name of one Deelavathi who was none other than the sister of the



fourth respondent. Leelavathi pre-deceased the testatrix. Thereafter, the testatrix is said to have executed the Will in favour of the petitioner. That was followed by execution of a pucca sale deed in his favour. Janakiammal passed away shortly thereafter.

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4. The grievance of the petitioner is that angered by this development, the fourth respondent has given a complaint before the third respondent. The third respondent instead of keeping away from the matter by citing its pure civil profile is harassing the petitioner and insisting that the petitioner should cancel the sale deed executed in his favour by his aunt Janakiammal. That has necessitated filing of this petition.

5. The learned Government Advocate submitted that the fourth respondent has lodged a complaint against the petitioner and in that regard, the petitioner was summoned to the office of the District Crime Branch, Thanjavur. The petitioner appeared before the third respondent on 31.10.2021 and also gave a written statement. The petitioner had agreed to appear again.

6. The petitioner through his counsel states that he will appear before the third respondent on 17.11.2021 at 11.00 a.m., On the said date, the third respondent will enquire both the parties. The petitioner shall not be summoned again in the guise of conducting an enquiry. If the third respondent is of the view that FIR has to be registered, then, notice will be given to the petitioner, so that, the petitioner will have breathing time to move the concerned Court for the relief of anticipatory bail.

7. This Criminal Original Petition is disposed of with the aforesaid direction.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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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.



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

2.The Deputy Superintendent of Police,
District Crime Branch,
Tanjore.

3.The Inspector of Police,
District Crime Branch,
Tanjore.

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

+1 CC to M/s.B.SARAVANAN, Advocate (SR-34235[F] dated 12/11/2021)

CrI.O.P (MD) No.17523 of 2021
11.11.2021

SE(CO)

SB/SKN (22.11.2021) 3P 6C