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Crl.O.P. No.25010 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P No.25010 of 2022

M.Paramasivam

... Petitioner

Vs.

1. The Commissioner of Police,
Coimbatore.

2. State rep. by The Inspector of Police,
(Law and Order),
B2, R.S.Puram Police Station,
Coimbatore 641 002.

... Respondent

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C,
praying to direct the respondents not to harass the petitioner in civil dispute.

For Petitioner : Mr.Sam Jayaraj Houston

For Respondents : Mr.S.Santhosh,
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to direct the



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respondents not to harass the petitioner in civil dispute.

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2. The learned counsel for the petitioner submitted that the petitioner is the one of the owners of the property pertaining to S.F.No.8/799, T.S. No.799 of Coimbatore Village, measuring to an extent of 11.60 cents and 13 cents situated in S.F.No.1366/6B, T.S.No.1928 of Coimbatore Taluk and the petitioner and his family members are in continuous possession of the property for more than 30 years and the revenue records are also stand in their name. In such circumstance, the officials of a Company, namely, M/s Kothari Industries Corporation Ltd., tried to trespass into the property, claiming to be the owner of the property. Therefore, the petitioner and his family members filed a suit in O.S.No.1050 of 2022 before the V Additional District Munsiff Court, Coimbatore, wherein, interim injunction was also granted in favour of the petitioner. Inspite of that, the officials of the above company are giving trouble to the petitioner and lodged a false complaint and based on the complaint, the respondent police is harassing the petitioner. Hence this petition.

3. The learned Government Advocate (Crl.Side) appearing for the



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respondents submitted that, the respondent police registered an FIR in Crime No.409 of 2022, based on the complaint given by one Ananthajothi on 11.10.2022 against the petitioner and others, under Section 145 of Cr.P.C. and is pending for enquiry.

4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondents.

5. It is the contention of the petitioner that the dispute between the petitioner and the private parties are purely civil in nature and hence, the respondent police should not interfere into it. The contention of the respondents is that an FIR was registered under Section 145 of Cr.P.C. against the petitioner and it is under the progress of enquiry. But, Section 145 of Cr.P.C. is the " Procedure where dispute concerning land or water is likely to cause breach of peace" and it is not an offence. In such circumstances, under the guise of enquiry, on the complaint registered under Section 145 of Cr.P.C., the respondent police shall not harass the petitioner.



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6. Accordingly, the second respondent is directed not to harass the petitioner under the guise of enquiry in the civil dispute and directed to conduct the enquiry in accordance with law. However, if the petitioner involved in any criminal activities, the respondent police may take action in accordance with law, at the same time, in the absence of any criminal elements, the respondent police should not harass the petitioner.

7. With the above direction, this criminal original petition is disposed of. No costs.

14.10.2022

Index: Yes/No
mst

To

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1. The Commissioner of Police,
Coimbatore.
2. The Inspector of Police,
(Law and Order),
B2, R.S.Puram Police Station,
Coimbatore 641 002.
3. The Public Prosecutor,
Madras High Court.



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V.SIVAGNANAM, J.

mst

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