



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.02.2022

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.25657 of 2021

Nanjappa

... Petitioner

Vs.

1.The Superintendent of Police,
Krishnagiri.

2.State rep.by
The Inspector of Police,
Hudco Police Station,
Hosur Taluk,
Krishnagiri District.

3.M.Girikumar

4.G.Venkatesan

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure, to direct the 1st and 2nd respondents not to harass the petitioner under the guise of enquiry at the instance of 3rd and 4th respondents.

For Petitioner : Mr.M.Mohamed Riyaz

For Respondents : Mr.E.Raj Thilak
Nos.1 & 2 Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed to direct the 1st and 2nd respondents not to harass the petitioner under the guise of enquiry at the instance of 3rd and 4th respondents.

2.On 03.01.2022, this Court passed the following order:

"This petition has been filed to issue a direction to the first and second respondents not to harass the petitioner under the guise of enquiry at the instance of third and fourth respondents.



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2. The petitioner's grievance is that the respondent Police on a complaint given by the fourth respondent, is unnecessarily harassing the petitioner and further, he is not allowed to enjoy the property. He further submitted that the Tahsildar, Hosur, vide proceedings in Na.Ka.No.4405/2019/A2 dated 23.07.2021 had conducted a detailed enquiry and on verification of documents have held that one Lakshamma had executed a sale deed in Doc.Nos.17029/2015 and 16448/2020 on the strength of holding joint patta in Patta No.253 dated 06.10.2015 and that the said Lakshamma's name to be removed from the joint patta and only the petitioner and his family members name to be reflected in the patta. The entire sale deed executed to the respondents 3 and 4 is on the strength of the earlier joint patta along with the name of Lakshamma. Now, Lakshamma name has been removed by the proceedings issued by the Tahsildar. Hence, the respondents 3 and 4 have got no relevant legal authority. Though the respondent Police have been explained with the same, they have failed to look into all these aspects and attempted to enter into the civil dispute and forced the petitioner to abide by the orders of the Police which is nothing to hold a Kangaroo Court. The respondent Police have not got any authority to enter into the civil dispute.

3. The learned Additional Public Prosecutor seeks time to verify the allegations which is made against the respondent Police and report the same.

4. Notice to the respondents 3 and 4 returnable by 20.01.2022. Private notice is also permitted.

5. Post this matter on 20.01.2022."

3. In continuation of the order passed on 03.01.2022, it is now represented by the learned Additional Public Prosecutor that no enquiry is pending against the petitioner and he is not required for the enquiry. The learned Additional Public Prosecutor further submits that the duty of the Police is to maintain the law and order and they will not interfere in any civil dispute. Hence, the apprehension of the petitioner that the respondent police interferes with the petitioner's civil rights is merely an apprehension and not real.



4. Taking into consideration the nature of the dispute involved in this case is civil in nature, it is for the parties to adjudicate the same before the appropriate Civil Court and the Police will have no role to play in a case of this nature. Therefore, the Police is not entitled to interfere with the civil dispute.

5. This Criminal Original Petition is disposed of, with a direction to the respondent police not to interfere with the civil disputes pending between the parties.

Sd/-

Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

sli

To

1.The Superintendent of Police,
Krishnagiri.

2.The Inspector of Police,
Hudco Police Station,
Hosur Taluk,
Krishnagiri District.

3.The Public Prosecutor,
High Court, Madras.

+1cc to Mr.M.Mohamed Riyaz, Advocate SR. No.6967

Cr1.O.P.No.25657 of 2021

PMK (CO)
PR (23/02/2022)