



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CONT.P.(MD)No.255 of 2022 IN

CRL.O.P.(MD)No.474 of 2022

WEB COPY

Robert Celestin

... Petitioner / 5th Respondent

Vs.

1.Thangathurai,
Deputy Commissioner of Police (L&O),
Madurai South,
Madurai.

2.Ganesan,
Inspector of Police,
Subramaniapuram police station /
C-2, Police station,
Subramaniapuram police station,
Madurai - 625 003.

... Contemnors/Respondents 2 & 4

Prayer: Contempt petition filed under Section 11 of the Contempt of Courts Act, to punish the contemnors for willful disobeying of the order and having committed contempt over the order dated 12.01.2022 in Crl.O.P.No.474 of 2022 by this Court.

Prayer in CRL OP(MD) . 474/ 2022 :

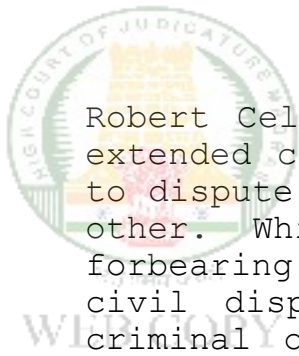
Criminal Original Petition is filed u/s.482 Cr.P.C, to direct the Respondents 2 to 4 not to interfere in civil proceeding under the guise enquiry against the Petitioner and her husband in connection with the alleged complaint lodged by the 5th Respondent.

For Petitioner	: Mr.R.Ramasamy, Advocate
For Respondents	: Mr.M.Sakthi Kumar, Government Advocate (Crl. Side).
For Intervenor	: Mr.T.J.Ebenezer Charles (Counsel for the petitioner in Crl.O.P.(MD)No.474 of 2022)

O R D E R

Heard, Mr.R.Ramasamy, learned counsel appearing for the petitioner and Mr.M.Sakthi Kumar, learned Government Advocate appearing for the respondents and Mr.T.J.Ebenezer Charles, learned counsel appearing for the intervenor Kamala.

2.Kamala is owning a piece of land in Vasantha Nagar 2nd Street, Madurai South. She has also put up a construction. She now wants to extend her construction. This is objected by the petitioner



Robert Celestin. According to him, the piece of land on which the extended construction is to come up belongs to him. This gave rise to dispute between Kamala on the one hand and Robert Celestin on the other. While so, Kamala filed Crl.O.P.(MD)No.474 of 2022 for forbearing the respondent police from interfering with the said civil dispute. Robert Celestin was the fifth respondent in the criminal original petition. After hearing the learned counsel on either side and also the learned Government Advocate, I passed the following order:-

" 2. The petitioner alleges that at the instance of the fifth respondent herein R1 to R4 are interfering with her construction activity. The fifth respondent's counsel would allege that the construction put up by the petitioner is on her land. Since the contest between the petitioner and the fifth respondent appears to be rather civil in nature, the parties will have to necessarily avail the remedies before the jurisdictional Civil Court. The police shall not interfere in the said dispute. All the contentions of the respective parties are left open. The criminal original petition is disposed of accordingly. "

3.Now the fifth respondent in the said criminal original petition complains that the local police are presently supporting Kamala. On the earlier occasion, Kamala was aggrieved that the police are supporting Robert Celestin; now Robert Celestin is complaining that the local police are supporting Kamala.

4.I am more than satisfied that the issue is purely civil in nature. The only question that calls for determination is whether the piece of land on which the construction is to be put up belongs to Kamala or Robert Celestin. Kamala would claim that the vendor of Robert Celestin had filed a case against Saroja, her mother-in-law and that he had lost before the Courts below.

5.Be that as it may, till the jurisdictional civil Court passes a positive order in favour of one party or the other, the respondent police will of course keep away from interfering in the said dispute. Of course if the dispute between the parties spills over into a law and order issue and cognizable offences are made out, then the police are definitely entitled to register the First Information Report. Considering the special facts and circumstances obtaining in this case, if any such First Information Report is registered for cognizable offence, then the accused party will be put on notice so that he or she will have breathing time to move the Court concerned for the relief of anticipatory bail.



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6.With this direction, this contempt petition is disposed of.

Sd/-

Assistant Registrar (Writs)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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.Thangathurai,
Deputy Commissioner of Police (L&O),
Madurai South,
Madurai.

2.Ganesan,
Inspector of Police,
Subramaniapuram police station /
C-2, Police station,
Subramaniapuram police station,
Madurai - 625 003.

+1 CC to M/s.R.RAMASAMY, Advocate (SR-6487[F] dated 16/02/2022)

+1 CC to M/s.T.J.EBENEZER CHARLES, Advocate (SR-6405[F] dated 16/02/2022)

**CONT.P. (MD) No.255 of 2022
15.02.2022**

RS (25.02.2022) 3P-5C