



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.10336 of 2022

1. S.N.Varalakshmi

2. T.G.Aadhithiya

... Petitioners

Vs

1. The Inspector of Police,
Anti Land Grabbing Cell,
Commissioner Office,
3rd Floor, Room No.42,
Alagarkovil Road, Madurai.

2. N.M.Varushai Mohamed

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the first Respondent Police not to interfere in civil dispute.

For Petitioners : Mr.Niranjana S.Kumar for
Mr. Sundararajan B

For Respondents : Mr.A.Albert James (R1)
Government Advocate (Crl.Side)
Mr.V.Kathirvelu
Senior Counsel (R2)
for Mr.K.Prabhu

O R D E R

This Criminal Original Petition has been filed to direct the first Respondent Police not to interfere in the civil dispute between the petitioners and the second respondent.

2.The learned counsel appearing for the petitioners has submitted that the first petitioner's husband viz., Giridhar, was the owner of the property in S.Nos.253/1, 253/2, 253/3, 253/4, 253/5 within Madurai Corporation. He purchased the property in the year 2008. Subsequently, he had executed a power deed in favour of one R.Hakim, S/o.Raja on 24.06.2015, with regard to this property. After that on 19.07.2020, he died due to complications of COVID-19. Now the petitioners had received the summons from the first respondent police, based on the complaint given by the second respondent. The impugned summons dated 30.03.2022, 13.05.2022, 30.05.2022 and 09.06.2022 were served on the petitioners to appear before the first respondent police for an enquiry.

3.The learned counsel appearing for the petitioners has further



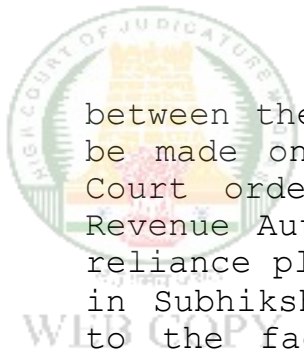
submitted that they were informed that the second respondent has paid the sale consideration to a plot, which belongs to the petitioners, on various dates, totally he paid Rs.20 Lakhs and the balance amount has to be paid. In the meanwhile, the second respondent came to know that the property is going to be sold to a third party. Therefore, he gave a complaint before the first respondent police. The learned counsel appearing for the petitioners has submitted that they did not have knowledge about sale of plot, through power agent R.Hakkim and the fact of receipt of sale consideration. If any sale consideration is paid with regard to the sale, it has to be established before the Civil Court. He would further submit that there was no land grabbing. Under these circumstances, the first respondent has to issue summons for an enquiry to the petitioners in this regard. To support his argument, he relied upon the decision of this Court in **Subhiksha Trading Services Limited Vs The Commissioner of Police** reported in **2010(4) CTC 324**.

4.The learned Government Advocate (Crl.Side) has submitted that the first respondent police has received a complaint from one Varisai Mohamed/second respondent and registered C.P.No.161/P9, based on which, notices had been issued to the petitioners.

5.On behalf of the second respondent, Mr.V.Kathirvelu, learned Senior counsel, represented that he had paid the sale consideration of Rs.27,90,000/- to the petitioners and he had received the sale receipt also in this regard and the second respondent need some more time to peruse the record.

6.I have considered the submissions made by both parties. The prayer sought for in this petition is only against the first respondent police and the second respondent being formal party, time is not granted.

7.Perusal of records reveals that the first petitioner's husband Giridharan has purchased the property on 25.02.2008 and a copy of the sale deed was annexed in the typed set of papers. Subsequently, he had executed a power of attorney, dated 24.06.2015 in favour of one Hakkim, son of Raja, with regard to the property. Under these circumstances, it is alleged by the second respondent that he had paid the sale consideration and received sale receipt with regard to above said survey number. Since he came to know that the property is going to be sold to a third party, he filed a criminal complaint against the petitioners herein. It is clear that when the second respondent has paid the sale consideration and received the sale receipt, he has to file a civil suit against the petitioners, with regard to the property. However, in a criminal complaint, the police has no power to enquire the matter, which is civil in nature. The Hon'ble Supreme Court and this Court have repeatedly given directions not to interfere in civil disputes



between the private individuals. Adjudication of civil disputes can be made only through Courts created for the said purpose and the Court orders are to be obeyed by all concerned, whether it is Revenue Authorities, Police or private litigants. In this regard, reliance placed by the learned counsel appearing for the petitioners in Subhiksha Trading Services Ltd, (*supra*) is squarely applicable to the facts of this case. Hence, I hereby direct the first respondent police not to harass the petitioners and summon the petitioners to the police station for enquiry, with regard to the property concerned.

8.With this direction, this Criminal Original Petition is allowed.

Sd/-

Assistant Registrar(CO)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

PNM

To

1. The Inspector of Police,
Anti Land Grabbing Cell,
Commissioner Office,
3rd Floor, Room No.42,
Alagarkovil Road, Madurai.

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

+1 CC to M/s.B.SUMDARARAJAN, Advocate (SR-25324[F] dated 13/06/2022

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KG(CO)

KB(22.06.2022) 3P 4C