



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.06.2022

CORAM

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.10221 of 2022

D.Maheswari

... Petitioner

Vs

1.The Commissioner of Police,
Madurai City,
Madurai - 625 002.

2.The Inspector of Police,
S.S.Colony Police Station,
Madurai City, Madurai.

3.Boominathan,
Inspector of Police,
S.S.Colony (L&O) Police Station,
Madurai City, Madurai.

4.P.Sathasivam

5.K.Sarathambal

6.B.Vairamani

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the second and third respondents not to harass the petitioner and her family members in the guise of enquiry by way of interfering the civil and property dispute between the petitioner and the respondents No.4 to 6 .

For Petitioner : M/s.V.Thirumal

For R1 & R2 : Mr.A.Albert James,

Government Advocate (Crl.Side)

O R D E R

This Criminal Original Petition has been filed for a direction, to direct the second and third respondents not to harass the petitioner and her family members in the guise of enquiry by way of interfering the civil and property dispute between the petitioner and the respondents No.4 to 6 .

2.The learned counsel for the petitioner submitted that the petitioner/ complainant filed a suit in O.S.No.191 of 2009 on the file of the III Additional Sub Court, Madurai for partition. The Civil Court, by decree and judgment dated 13.04.2010, decreed the suit in favour of the petitioner, holding that the petitioner is entitled to 1/3 share in the suit property. The 3rd respondent police, without having any jurisdiction, interfered with the matter regarding the suit property. Hence, the petitioner filed a present Criminal Original Petition, seeking a direction to the second and



third respondents not to interfere with the possession of the suit property.

3.The learned Government Advocate (Criminal Side) for respondents 1 and 2 submitted that the complaint has been received and the same has been closed.

4.I have considered the matter in the light of the above submissions made on both sides.

5.Admittedly, the petitioner filed a suit in O.S.No.191 of 2009 for partition of her 1/3 share, which was decreed by the Civil Court on 13.04.2010.

6.According to the petitioner, the respondent police is interfering with regard to the property dispute and therefore, he has to be prevented. Accepting the contention of the learned counsel for the petitioner, it is hereby directed the respondents 2 and 3 not to enter in the petitioner suit property concerned in O.S.No.191 of 2009 and not to interfere in the civil dispute between the petitioner and the respondents 4 to 6.

7.With the above direction, this Criminal Original petition is disposed of.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

To

1.The Commissioner of Police,
Madurai City, Madurai - 625 002.

2.The Inspector of Police,
S.S.Colony Police Station,
Madurai City, Madurai.

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

+1 CC to M/s.V.THIRUMAL, Advocate (SR-25120[F] dated 10/06/2022)

CRL.O.P (MD) No.10221 of 2022
10.06.2022

RS (27.06.2022) 2P-5C

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