



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CrI.O.P (MD) No.10316 of 2022

Yamuna

... Petitioner

Vs

1. The Superintendent of Police,
Dindigul, Dindigul District.

2. The Inspector of Police,
Taluk Police Station,
Dindigul,
Dindigul District.

3. Ananthi

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the second respondent not to harass the petitioner under the guise of enquiry on the complaint lodged by Ananthi / 3rd respondent.

For Petitioner : Mr. Manikandan G D

For Respondents : Mr.A.Albert James (R1&R2)
Government Advocate (CrI.Side)

O R D E R

This Criminal Original Petition has been filed to direct the second respondent not to harass the petitioner under the guise of enquiry on the complaint lodged by Ananthi / 3rd respondent.

2.The learned counsel appearing for the petitioner has submitted that based on the complaint lodged by the third respondent, the second respondent police frequently harassed the petitioner and asked her to come to the Police Station. The petitioner's husband has purchased the property in S.No.787/3 situated at Balakrishnapuram village, Dindigul from one A.M.Nagarajan, by way of registered sale deed, dated 20.04.2000. On 08.03.2002, the petitioner's husband executed a general power of attorney deed, with regard to the above said property and also the petitioner's husband handed over the original sale deed to the third respondent. The third respondent did not return the sale deed to the petitioner. In the meanwhile, the petitioner's husband died on 17.08.2020. Now the petitioner had requested the third respondent to return the original sale deed of the property, but the same was refused by her.



3.The learned Government Advocate (Crl.Side) has submitted that the third respondent gave a complaint that the third respondent has purchased the property from the petitioner's husband viz., Parthasarathy. Instead of executing the sale deed, he had executed a general power of attorney and the possession of the vacant site was given to the third respondent. After the death of petitioner's husband, the petitioner refused to execute the sale deed, even knowing all the facts. On 18.05.2022, while the third respondent was standing in the vacant plot, the petitioner came there and criminally intimidated. Hence, she gave the complaint and it is under enquiry. The amount of sale consideration mentioned as Rs.26,400/- in the power of attorney, but the same was not mentioned in the complaint.

4.Heard the learned counsels appearing for the parties.

5.I consider the matter in the light of the submissions made by both parties. Perusal of records reveal the facts that there was civil transaction with regard to the property, which belongs to the petitioner's husband and the third respondent. According to the third respondent, she had paid the sale consideration on 08.03.2022. Instead of executing a sale deed, the petitioner's husband executed only a power of attorney in favour of the third respondent and handed over the vacant possession to the third respondent. The vacant possession was given to her and she was in possession and the petitioner came there and threatened her and therefore, she lodged a complaint.

6.Admittedly, there is a dispute with regard to the sale of property between the petitioner's husband and the third respondent. The possession of the property is disputed by the petitioner. Whether the sale consideration has been paid and sold it to the third respondent has to be decided only by a Civil Court. With regard to the allegation of criminal intimidation, the first respondent Police is hereby directed to investigate, if any evidence is made out, the first respondent police may proceed. However, the first respondent police is hereby directed not to harass the petitioner frequently and not direct the petitioner to appear before the Police Station for enquiry in this regard.

7.With the above observations and directions, this Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar (Admin I)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

PNM



To

1. The Superintendent of Police,
Dindigul, Dindigul District.
2. The Inspector of Police,
Taluk Police Station,
Dindigul,
Dindigul District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.G.D. MANIKANDAN, Advocate (SR-25523[F] dated
14/06/2022)

CRL.O.P (MD) No.10316 of 2022
13.06.2022

MGJ(24.06.2022) 3P 5C