



CrI.O.P.(MD) No.16071 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.09.2022

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.16071 of 2022

1. Lavann Kumar
2. S.Samuel
3. Sampath

...Petitioners

VS

1. The Superintendent of Police
Office of the Superintendent of Police
Karur District, Karur
2. The Inspector of Police
Land Grabbing Special Wing
Karur District, Karur
- 3.Dr.R.Chokkiyan

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the respondents not to harass the Petitioners and not to interfere in the civil dispute involved in civil suit in O.S.No.19 of 2022 on the file of the Principal District Munsif Court at Aravakurichi and further consequentially direct the first Respondent to consider the Petitioner's representation dated 20.08.2022.



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For Petitioners : Mr.Mohammed Azharudeen Sharof
For R1 and R2 : Mr.R.Sivakumar
Government Advocate(Crl.Side)

ORDER

This Criminal Original Petition has been filed to direct the Respondents not to harass the Petitioners and not to interfere in the civil dispute involved in civil suit in O.S.No.19 of 2022 on the file of the Principal District Munsif Court at Aravakurichi and further consequentially direct the first Respondent to consider the Petitioner's representation dated 20.08.2022.

2. It is the submission of the learned Counsel for the Petitioner that the third Respondent has instituted a suit in O.S.No.19 of 2022 on the file of the learned Principal District Munsif, Aravakurichi. The Petitioners herein are defendants who appeared before the Court of the learned Principal District Munsif, Aravakurichi and contesting the suit and the case stands posted for filing written statement. At that stage, simultaneously Plaintiff in O.S.No.19 of 2022 had lodged complaint with the second Respondent causing harassment of the Petitioners by summoning them at



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odd hours. Therefore he has filed the present petition seeking direction against the Respondents 1 and 2 to not to harass the Petitioners.

3. The learned Counsel for the Petitioners placed reliance of the judgement of the Hon'ble Supreme Court in the case of ***Mitesh Kumar J.Sha vs. State of Karnataka*** reported in ***AIR 2021 Supreme Court 5298*** , wherein the Hon'ble Supreme Court had issued guideline that when civil cases are pending the police are restrained from making any enquiry or registering the Case.

4. The learned Government Advocate(Crl.Side) by way of reply submitted that complaint was received from the third Respondent. The third Respondent had given power of attorney to the first Petitioner and the first Petitioner based on the power of attorney had sold the property to second and third Petitioners, which had caused loss to the third Respondent. Based on the complaint given by the third Respondent, the second Respondent/ Inspector of Police, Land Grabbing Special wing, Karur District, Karur had issued summons for enquiry to the subject matter of the complaint. Further the first Petitioner appeared for on summons before the second Respondent



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and gave statement, which was recorded by the second Respondent/
Inspector of Police, Land Grabbing Special wing, Karur District, Karur and
enquiry is pending.

5. In the light of the submission made by the learned Additional
Public Prosecutor the submission of the learned Counsel for the Petitioner is
accepted. Further in the light of the reported ruling of the Hon'ble Supreme
Court in the case of *Mitesh Kumar J.Sha vs. State of Karnataka* reported
in *AIR 2021 Supreme Court 5298* , when parties to the civil dispute are
contesting the civil case the police are restrained from initiating criminal
action based on the very same subject matter of the dispute, the
Respondents 1 and 2 are directed not to proceed further till the civil suit is
disposed of.

6. With the above direction, the Criminal Original Petition is disposed
of.

22.09.2022

Internet: Yes./No

Index: Yes/no

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- To
1. The Superintendent of Police
Office of the Superintendent of Police
Karur District, Karur
 2. The Inspector of Police
Land Grabbing Special Wing
Karur District, Karur
 3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

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