



Crl.O.P.(MD)No.20878 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 25.11.2022

CORAM:

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.(MD)No.20878 of 2022

Dr.S.Venkat Prabhu

... Petitioner

Vs.

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

2.The Inspector of Police,
Theni Police Station,
Theni District.

3.Shanthi

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the Respondents 1 & 2 not to interfere in the civil dispute, which is the subject matter of O.S.No.83 of 2021 before the Additional District Court, Theni, exists between the Petitioner and the third Respondent.

For Petitioner	: Mr.T.Lenin Kumar
For R1-R2	: Mr.T.Senthilkumar
	Additional Public Prosecutor



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ORDER

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This Petition had been filed to direct the Respondents 1 & 2 not to interfere in the civil dispute, which is the subject matter of O.S.No.83 of 2021 before the Additional District Court, Theni, exists between the Petitioner and the third Respondent.

2.The learned Counsel appearing for the Petitioner submitted that there was a dispute between the Petitioner and his wife. He is running a Hospital in the name and style of Sree Sairam Hospital, which had filed a suit seeking relief of declaration and permanent injunction and the same is pending before the Additional District Court (FTC), Theni, in which he had interim injunction in I.A.No.4 of 2021 in O.S.No.83 of 2021, dated 22.03.2022. Against the order passed by the learned Additional District Judge (FTC), Theni, the wife of the Petitioner had approached this Court, filed a Petition in C.M.A(MD)No.353 of 2022 and the same was allowed evicting the order of interim injunction granted by the learned Additional District Judge (FTC), Theni.



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3. Aggrieved by the same, the Petitioner herein had approached the Hon'ble Supreme Court by filing SLP(C).No.13057 of 2022. As per the decision of the Hon'ble Supreme Court, the operation of the judgment of the High Court in C.M.A(MD)No.353 of 2022 had been stayed. Therefore, as on today, the order of the learned Additional District Judge (FTC), Theni, holds good. In spite of the favourable order obtained from the Hon'ble Supreme Court, the second Respondent had registered a case.

4. The learned Additional Public Prosecutor submitted that an FIR had been registered in Crime No.323 of 2022 by the second Respondent Police. Without quashing the FIR, the Petitioner cannot seek a direction before this Court.

5. In view of the above submission made by the learned Additional Public Prosecutor, cannot be accepted. The submission of the learned counsel for the petitioner, in the light of the judgment of the Hon'ble Supreme Court is found acceptable. The Respondents 1 and 2 are directed not to interfere with the order passed by the Hon'ble Supreme



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Court that would attract offence of contempt of Court by the first and second Respondents. The Petitioner is at liberty to challenge the First Information Report.

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

25.11.2022

Index:Yes/No
vsd

To

- 1.The Superintendent of Police,
Theni District,
Theni.
- 2.The Inspector of Police,
Theni Police Station,
Theni District.
- 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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