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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2022

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P(MD).No.21201 of 2022

1. Pandi,

2. Nirmala Devi,

3. Yogeswaran,

4. A.Selvam,

: Petitioners

Vs

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

2. The Inspector of Police,
Melur Police Station, Madurai.

3. Rahul,

: Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to issue a direction directing the 2nd respondent not to harass the petitioners in the guise of enquiry.

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For Petitioners : Mr.V.Karuna

For R1 and R2 : Mr.R.Suresh Kumar
Government Advocate (Crl.Side)

For R3 : Mr.S.Siva Prakash

O R D E R

This criminal original petition had been filed seeking a direction to the 2nd Respondent not to harass the Petitioners in the guise of enquiry.

2.The learned Counsel appearing for the Petitioners submits that on an earlier occasion, when the Petitioners had moved an anticipatory bail in Crl.O.P(MD)No.3396 of 2022, based on the submission made by the learned Government Advocate, who appeared for the Respondent Police therein, the petition in Crl.O.P(MD)No.3396 of 2022 was dismissed as infructuous by the learned Single Judge of this Court. After that, on 18.02.2022, the third Respondent herein had once again approached the Respondent Police with the same set of allegations against the Petitioners.

3.The learned Government Advocate (Crl.Side) submits that earlier, the said anticipatory bail petition was dismissed on the basis of the submission of the learned Government Advocate, who appeared for the Respondent Police therein, on instructions from Silaiman Police. Now, the case had been

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registered by Melur Police/Second Respondent and CSR No.1824 of 2022 was registered and the same is pending.

4.The learned Counsel appearing for the third Respondent submits that the third Respondent had entered into a sale agreement with the Petitioners and he had paid a sum of Rs.5,00,000/- to the Petitioners. But the Petitioners did not come forward to register the sale deed. Therefore, the third Respondent felt that the Petitioners had cheated him and he had preferred a complaint with the second Respondent for recovery of money from the Petitioners herein.

5.Considering the submissions made by the learned Government Advocate (Crl.Side) appearing for the first and second Respondents, and the learned Counsels appearing for the Petitioner and the third Respondent, it is found that the subject matter of the dispute is purely civil in nature, which cannot be enquired into by the Police by converting the civil dispute into a criminal case.

6.In the light of the reported ruling of the Hon'ble Supreme Court in the case of ***Lalitha Kumari Vs. Government of Uttar Pradesh*** reported in ***2013 (6) CTC 353*** as well as in the case of **State of Haryana vs. Ch.BhajanLal (AIR**

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1992 SC 604), the Respondents 1 and 2 are directed not to interfere with the civil dispute and the third Respondent is directed to approach the civil Court for getting appropriate relief.

7.With the above directions, this criminal original petition is disposed of.

01.12.2022

Index :Yes/No
Internet : Yes/No
lr

To
1. The Superintendent of Police,
Madurai District, Madurai.

2. The Inspector of Police,
Melur Police Station, Madurai.

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

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SATHI KUMAR SUKUMARA KURUP, J.

lr

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