



CRL.O.P.(MD).No.21429 of 2

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2022

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THE HONOURABLE MR.JUSTICE **K.MURALI SHANKAR**

CRL.O.P.(MD).No.21429 of 2022

Vellaiah Nadar

: Petitioner

Vs.

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

2. The Inspector of Police,
Koodankulam Police Station,
Tirunelveli District.

3. Annakili

: Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Cr.P.C, to direct the second respondent not to interfere in civil dispute in Survey No. 956/1 and its extent of 3 cents situated in Koodankulam, Radhapuram Taluk, Tirunelveli District against the petitioner and their family members based on the third respondent's false complaint and under the guise of enquiry.

For Petitioner : Mr.A.Prasanna Rajadurai

For Respondents : Mr.R.Sivakumar

Government Advocate (Criminal Side)
for R1 and R.2



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ORDER

The Criminal Original Petition is filed seeking a direction to the second respondent not to interfere with the civil dispute in Survey No.956/1 and its extent of 3 cents situated in Koodankulam, Radhapuram Taluk, Tirunelveli District against the petitioner and their family members ,based on the third respondent's false complaint and under the guise of enquiry.

2. The learned Counsel for the petitioner would submit that the third respondent has filed a suit claiming for the relief of declaration and permanent injunction with respect to the pathway that is existing between the properties of the petitioner and the third respondent, that the suit after trial came to be dismissed, that the appeal preferred by the third respondent was also dismissed, that thereafter the petitioner preferred a complaint against the third respondent and the third respondent also preferred a counter complaint against the petitioner and that the second respondent, after receiving both the complaints, has been directing the petitioner to allow the land of the petitioner for using the same as pathway for both the petitioner as well as the third respondent.

3. The learned Government Advocate (Crl.Side) appearing for the State would submit that after enquiry, the complaint of the third respondent



was ordered to be closed. He would further submit that the complaint given by the petitioner is pending.

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4. Considering the submission made by the learned Government Advocate (Crl.Side), the second respondent is directed to conduct enquiry in the complaint given by the petitioner and pass orders, by taking note of the decree passed by the competent civil Court, within a period of one week from the date of receipt of a copy of this order.

5. With the above directions, the Criminal Original Petition is disposed of.

13.12.2022

SSL

To

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



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K.MURALI SHANKAR, J.

SSL

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