



Crl.OP.No.13665 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2023

CORAM

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

Crl.O.P.No.13665 of 2023

M.Shanmugam

... Petitioner

Vs.

1. The Superintendent of Police,
Kachipuram District,
Kanchipuram.

2. The Inspector of Police,
Walajabad Police Station,
Kanchipuram District.

3. K.Thanigaivel

4. K. Damodaran

... Respondents

PRAYER: This Criminal Original Petition filed under Section 482 of Cr.P.C., to direct the 2nd respondent herein not to harass the petitioner in the guise of enquiry.

For Petitioner

: Mr.M.Guruprasad

For R1 & R2

: Mr.Leonard Arul Joseph Selvam
Government Advocate(Crl.side)

ORDER



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This Criminal Original Petition has been filed to direct the 2nd respondent herein not to harass the petitioner in the guise of enquiry.

2. The learned counsel for the petitioner submitted that, R3 and R4 purchased a land from their half brother Arumugam. Petitioner has access to southern side of the property and R3 and R4 has access to the northern side. When R3 and R4 executed rectification deed in Doc.No.552 of 2017, they made rectification to the sale deed that they have right of access to both sides. Challenging the rectification deed, petitioner filed suit in O.S.No.102 of 2023 and it is pending. Now, at the instance of the R3 and R4, 2nd respondent is unnecessarily harassing the petitioner in connection with the property dispute. Therefore, present petition is filed.

3. In response, learned Government Advocate (Crl. Side) submitted that, there is a dispute between the petitioner and the 3rd & 4th respondent in connection with common pathway. In the common pathway, petitioner constructed a wall and that is the cause for the dispute. Based on the complaint given by one Damodaran, CSR enquiry is pending. He further submitted that,



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3rd respondent has sent requisition to Tahsildar for enquiry.

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4. Considered the rival submissions and perused the records. It is seen from the learned counsel appearing for the parties that, there is a dispute in connection with the pathway, as to whether, it is a common pathway or it belongs to the petitioner. In this regard, challenging the rectification deed in favour of R3 and R4, petitioner filed suit in O.S.No.102 of 2023. Therefore, the dispute with regard to pathway can only be decided in a civil forum. Respondent police should not interfere with the civil dispute and harass the petitioner.

5. Accordingly, this Criminal Original Petition is allowed.

20.06.2023

Internet : Yes / No
Index : Yes / No
Speaking / Non Speaking order
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G.CHANDRASEKHARAN,J.

Sma



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To
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1. The Superintendent of Police,
Kachipuram District,
Kanchipuram.
2. The Inspector of Police,
Walajabad Police Station,
Kanchipuram District.
3. The Public Prosecutor,
High Court of Madras, Chennai.

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