



Crl.O.P.No.24269 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.24269 of 2022

Velmurugan

... Petitioner

Vs.

The State rep. by
The Inspector of Police,
Thalaivasal Police Station,
Salem District.

... Respondent

Prayer : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to direct the respondent not to harass the petitioner in connection with Crime No.280 of 2022 dated 07.08.2022 pending investigation on the file of the respondent police.

For Petitioner : Ms.R.Saraswathi
for Mr.S.Mohanavadivelan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner/accused in Crime No.280 of 2022 for the offence under Sections 294(b), 323, 506(ii) of IPC and Section 24 of Maintenance and



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Welfare of Parents and Senior Citizens Act, 2007, filed this petition seeking for a direction to direct the respondent not to harass the Petitioner in connection with the above crime number.

2.The contention of the petitioner is that the petitioner and his two sisters along with their mother/defacto complainant herein are in ownership of properties as Hindu Undivided Joint Family to an extent of 13 acres in Salem District. The petitioner has been cultivating 8 acres of land and the defacto complainant/petitioner's mother is cultivating 5 acres of land. After the death of petitioner's father Palanivel on 31.08.2019, the defacto complainant started giving trouble by pressurizing the petitioner to settle the property to an extent of 5 acres in her name absolutely. Due to this dispute there have been several cases pending between them. The petitioner lodged a complaint which was taken in Crime No.280 of 2022 and the petitioner's sister lodged a complaint which was taken in Crime No.295 of 2022. The defacto complainant herein as a counter blast lodged two complaints in Crime Nos.281 of 2022 and 296 of 2022. The defacto complainant is converting a civil dispute into a criminal case suppressing the fact that



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already a civil dispute is pending between them in O.S.No.148 of 2022 before the Sub Court, Attur. The respondent police taking sides with the defacto complainant is harassing the petitioner. The petitioner who is a Professor in Bharath Institute of Higher Education and Research, Chennai is called for enquiry and harassed. Hence, he filed this petition.

3.Learned counsel for the petitioner submits that the petitioner had already obtained anticipatory bail in this case in Crl.O.P.No.19813 of 2022 dated 23.08.2022 and despite the same, the petitioner is being harassed.

4.Learned Additional Public Prosecutor submits that the defacto complainant is none other than the mother of the petitioner, there is a family dispute with regard to the property, there have been cases in counter and so far, four cases registered between them in Crime Nos.280/2022, 281/2022, 295/2022 and 296/2022. He would submit that the petitioner after obtaining anticipatory bail in Crl.O.P.No.19813 of 2022 on 23.08.2022, though had executed sureties, he has not complied with the condition, namely, to appear before the respondent daily at 10.30 a.m. for a period of two weeks and



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hence, to circumvent the same, the above petition has been filed. He would further submit that finding that the dispute between the petitioner and the defacto complainant is never ending, the respondent police made a request and referred the matter to RDO on 27.03.2023 for execution of bond to maintain peace under Section 107 Cr.P.C. He further submits that appropriate steps would be taken following the judgment of the Apex Court in the case of *P.K.Shaji vs. State of Kerala* reported in *[2005] AIR SCW 5560*.

5.Considering the submissions made and on perusal of the materials, finding that it is a family dispute and there have been cases in counter and the petitioner being an accused obtained anticipatory bail, not complying with the condition filing this petition as though he is being harassed is not proper and sustainable. Hence, this Criminal Original Petition is dismissed.

13.06.2023

Index : Yes/No
Speaking Order/Non-Speaking Order
cse



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To

- 1.The Inspector of Police,
Thalaivasal Police Station,
Salem District.
- 2.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

cse

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