



Crl.O.P.No.26552 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.26552 of 2022

1.Selvamani
2.Balamurugan
3.Gandhimathi
4.Sangeetha
5.Suganya

... Petitioners

Vs.

1.The Superintendent of Police,
Ariyalur District.

2.The State rep. by
The Sub-Inspector of Police,
Ariyalur Police Station,
Ariyalur and District.

... Respondents

Prayer : Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to direct the respondent police not to harass the petitioners during the pendency of civil suit in O.S.Nos.268 of 2009 and 107 of 2016

For Petitioners : Mr.R.Sethuvarayar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor



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ORDER

The petitioners received a summon dated 29.09.2022 calling upon them to appear for enquiry on 01.10.2022 based on the complaint given by one Sitrarasi W/o. Arivazhagan and hence, the present petition is filed.

2.The contention of the petitioners is that already civil suit is pending between the petitioners and the said Sitrarasi in O.S.No.268 of 2009 and O.S.No.107 of 2016 before the District Munsif Court, Ariyalur. O.S.No.268 of 2009 was filed by one Thangavel and O.S.No.107 of 2016 was filed by the said Sitrarasi. The respondent police though aware of the pendency of the civil suit, had entertained the complaint of the said Sitrarasi and attempting to convert the civil dispute into a criminal case and issued summons. Hence, the petitioners approached this Court by way of the present petition.

3.Heard Mr.R.Sethuvarayar, learned counsel appearing on behalf of the petitioner.



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4.Learned Additional Public Prosecutor submits that on the complaint of one Sitrarasi, a case in Crime No.313 of 2022 for the offence under Sections 294(b), 323, 506(i) of IPC and Section 4 of Women Harassment Act was registered on 11.10.2022. He would submit that after completion of investigation, charge sheet was filed in S.C.No.3 of 2022 before the Additional Mahila Court, Ariyalur. He further submits that admittedly there have been dispute between the petitioners and the said Sitrarasi over the property and the said Sitrarasi was assaulted on 07.10.2022, she sustained injuries and got treatment at Government Medical College Hospital, Ariyalur. He would further submit that now the case has been charge sheeted, already two witnesses have been examined and after filing of the charge sheet, the petitioners are no more required for any enquiry. He further submits that the petitioners were regularly appearing before the Trial Court and participating in the trial.

5.In view of the above, the question of harassment does not arise. Recording the above facts, the Criminal Original Petition is dismissed



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making it clear that the observations made herein are for the limited purpose of disposing of the above case. The Trial Court is directed to proceed with the case on its own merits.

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

To

- 1.The Superintendent of Police,
Ariyalur District.
- 2.The Sub-Inspector of Police,
Ariyalur Police Station,
Ariyalur and District.
- 3.The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.

cse

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