



Crl.O.P.(MD)No.1848 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.01.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.1848 of 2023

Ganthimathi

: Petitioner

Vs.

- 1.The Superintendent of Police,
Kanniyakumari District,
at Nagercoil.
- 2.The Additional Superintendent of Police,
Nagercoil, Kanniyakumari District.
- 3.The Inspector of Police,
Suceendram Police Station,
Kanniyakumari District.
- 4.N.Ayyappan
- 5.Vijayakumar
- 6.Vadivu

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the first and second respondents to forbear the respondents 3 to 5 from interfering the petitioner's peaceful



Crl.O.P.(MD)No.1848 of 2023

possession of property by misusing their official capacity and consequently, direct the first respondent to take apt action against the respondents 3 to 5 in this regard.

For Petitioner : Mr.K.P.Narayanakumar,
For Respondents : Mr.SS.Madhavan,
Government Advocate (Criminal Side)
for R1 to R3.

ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the first and second respondents to forbear the respondents 3 to 5 from interfering the petitioner's peaceful possession of property by misusing their official capacity and consequently, direct the first respondent to take apt action against the respondents 3 to 5 in this regard.

2. When the matter is taken up for hearing today, the learned counsel for the petitioner would submit that the fourth respondent is the son of sixth respondent and that the fifth respondents along with the third respondent are helping the sixth respondent.



Crl.O.P.(MD)No.1848 of 2023

WEB COPY

3. The learned Government Advocate (Criminal Side) appearing for the State would submit that on the basis of the complaint given by the sixth respondent C.S.R.No.91 of 2023 is pending and on the basis of the complaint given by the petitioner, current paper is pending and that both the complaints are pending for enquiry.

4. The learned counsel for the petitioner would further submit that the petitioner has filed a civil suit in O.S.No.284 of 2015 against the sixth respondent and after trial, the suit was decreed, granting permanent injunction restraining the sixth respondent and his men from interfering with the petitioner's peaceful possession and enjoyment of the property shown in the Commissioner's plan attached to the decree.

5. Recording the said submissions made by both sides, the third respondent is directed to conduct enquiry in respect of both the complaints by taking note of the decree granted by the competent civil Court and to decide the same in accordance with law.



Crl.O.P.(MD)No.1848 of 2023

WEB COPY

6. With the above direction, this Criminal Original Petition is disposed of.

31.01.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes/ No
das

To

- 1.The Superintendent of Police,
Kanniyakumari District,
at Nagercoil.
- 2.The Additional Superintendent of Police,
Nagercoil, Kanniyakumari District.
- 3.The Inspector of Police,
Suceendram Police Station,
Kanniyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.1848 of 2023

K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.1848 of 2023

Dated: 31.01.2023