



Crl.O.P.(MD)No.2148 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.02.2023

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.2148 of 2023

D.Muthupandi

: Petitioner

Vs.

1.The Assistant Director of Fisheries-Vaigaidam,
O/o.The Assistant Director of Fisheries-Vaigaidam,
Theni District.

2.The Superintendent of Police,
Theni District, Theni.

3.The Deputy Superintendent of Police,
Periyakulam Taluk, Theni.

4.The Inspector of Police,
Thenkarai Police Station,
Periyakulam, Theni District.

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the respondents 2 to 4 not to interfere in the civil dispute which is the subject matter of a civil dispute in O.S.No.207 of 2022 on the file of the learned District Judge, Theni.



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For Petitioner : Mr.R.Maheswaran,

For Respondents : Mr.SS.Madhavan,
Government Advocate (Criminal Side)

ORDER

This Criminal Original Petition filed, under Section 482 Cr.P.C., seeking orders, to direct the respondents 2 to 4 not to interfere in the civil dispute which is the subject matter of a civil dispute in O.S.No.207 of 2022 on the file of the learned District Judge, Theni.

2. When the matter is taken up for hearing today, the learned Government Advocate (Criminal Side) appearing for the State would submit that the petitioner was the earlier auction purchaser and subsequently his license was cancelled by the first respondent and that the petitioner is now preventing the subsequent purchaser from entering into the pond and on the basis of the complaint given by the present purchaser, summon has been issued, but the petitioner has not turned up.



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3. The learned counsel for the petitioner would submit that the petitioner has filed a suit in O.S.No.207 of 2022 for recovery of Rs.21,94,570/- and for other reliefs and that the same is pending against the Government Officials. He would further submit that the petitioner is ready to appear before the fourth respondent on receipt of summons.

5. Taking into account the overall facts and circumstances, the following directions are issued:-

“(a) The fourth respondent shall issue written summons to the petitioner for causing his appearance before him for enquiry.

(b) The fourth respondent shall conclude the enquiry within a period of three weeks from the date of receipt of a copy of this order.

(c) If at the end of the enquiry, cognizable offence is made out and the fourth respondent proposes to register any FIR, the petitioner will be given notice of the same so that the petitioner will have breathing time to move the concerned Court for the relief of anticipatory bail.”



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6. With these directions, this Criminal Original Petition stands disposed of.

02.02.2023

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

To

- 1.The Assistant Director of Fisheries-Vaigaidam,
O/o.The Assistant Director of Fisheries-Vaigaidam,
Theni District.
- 2.The Superintendent of Police,
Theni District, Theni.
- 3.The Deputy Superintendent of Police,
Periyakulam Taluk, Theni.
- 4.The Inspector of Police,
Thenkarai Police Station,
Periyakulam, Theni District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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K.MURALI SHANKAR,J.

das

Order made in
Crl.O.P.(MD)No.2148 of 2023

Dated: 02.02.2023