



Crl.O.P.(MD)No.3387 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **10.03.2023**

CORAM

THE HON'BLE MR.JUSTICE G.ILANGO VAN

Crl.O.P.(MD)No.3387 of 2023

S.Mariammal

... Petitioner

Vs.

1.The Commissioner of Police,
Madurai City, Madurai.

2.The Inspector of Police,
Avaniapuram Police Station,
Madurai.

3.P.Kumaran

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the second respondent not to harass the petitioner and interfere in the civil matters and to act in accordance with law.

For Petitioner : Mr.R.Velmurugan

For R1 and R2 : Mr.R.Sureshkumar
Government Advocate (Crl. Side)

For R3 : Mr.V.Baskaran



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ORDER

WEB COPY This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the second respondent not to harass the petitioner and interfere in the civil matters and to act in accordance with law.

2. The learned counsel for the petitioner would submit that even though in respect of right over the property, the suit in O.S.Nos.67 of 2022 and 242 of 2022 pending before the District Court, Madurai, based of the complaint given by the third respondent herein.

3. However the learned counsel on record for the third respondent would submit that originally the property was measured for 42 cents by order passed by this Court in W.P(MD) No.8452 of 2022 dated 28.04.2022, which was filed by one R.Ahamed Fatehali. The measurement was undertaken but fencing was removed and damaged by the petitioner, over which, a case in crime No.402 of 2022 was registered on 05.07.2022, against several perons under Section 147, 447, 427, 294(b), 506(ii) of IPC, in which, this petitioner is arrayed as third



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accused. The next occurrence took place, over which, the present complaint has been given in pursuance of the measurement that was undertaken in W.P(MD) No.15236 of 2022, which was filed by the third respondent as the Power Agent of the above said Hashim Fatehally. Again measurement was undertaken in Eastern 35 cents, fencing was made and that fencing was also damaged by the petitioner.

4. The learned Government Advocate (Crl. Side) would submit that based on the complaint given by the third respondent, enquiry is pending in C.S.R. No.148 of 2023.

5. Since the second damage alleged to be made by the petitioner, the enquiry shall be completed by the second respondent herein within a period of fifteen days from the date of receipt of a copy of this order. The petitioner and third respondent are directed to appear before the second respondent and co-operate with him to complete the enquiry process. At that time of hearing, the second respondent shall take care the pendency of the civil suit. If any trouble arises during the course of enquiry, the petitioner is at liberty to workout his remedy thorough appropriate



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proceedings.

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6. With the above said direction and liberty, this Criminal Original

Petition is disposed of.

10.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Indu

To

- 1.The Commissioner of Police,
Madurai City, Madurai.
- 2.The Inspector of Police,
Avaniapuram Police Station,
Madurai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.ILANGO VAN,J.

Indu

Order made in
CrI.O.P.(MD)No.3387 of 2023

Dated: 10.03.2023