



Crl.O.P.(MD)No.3968 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **02.03.2023**

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.3968 of 2023

1.Indravijayalakshmi

2.KP.Selvaraj

3.Nivetha

... Petitioners

Vs.

1.The Commissioner of Police,
Madurai City.

2.The Assistant Commissioner of Police,
Anti Land Grabbing Special Cell,
Madurai City.

3.T.D.Sivakumar

... Respondents

PRAYER : Criminal Original Petition filed under Section 482 of Criminal Procedure Code, to direct the second respondent not to harass the petitioners under the guise of enquiry on the basis of the petition preferred by the third respondent.

For Petitioners : Mr.P.Ganapathi Subramanian

For R1 & R2 : Mr.SS.Madhavan
Government Advocate (Crl. Side)



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ORDER

This Criminal Original Petition has been filed, invoking Section 482 Cr.P.C., seeking orders to direct the second respondent not to harass the petitioners under the guise of enquiry on the basis of the petition preferred by the third respondent.

2. The learned counsel appearing for the petitioners would submit that the petitioners have purchased undivided share from the sisters of the third respondent and now the third respondent with the help of police has been disturbing the petitioners.

3. The learned Government Advocate (Criminal Side) appearing for the respondents 1 and 2 would submit that the sisters of the third respondent had already released their share in the year 1982 in favour of the third respondent, that subsequently, the petitioners have taken a share from the sisters of the third respondent and that the petitioners have been claiming rights over the property. He would further submit that on the basis of the complaint given by the third respondent, current paper is pending before the second respondent.



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4. Considering the submission made by the learned Government Advocate (Criminal Side) that there existed civil dispute between the parties, the second respondent is directed to conduct an enquiry and pass orders by following the dictum laid down in the case of ***Lalita Kumari Vs. Government of Uttar Pradesh and Others*** reported in (2014) 2 SCC 1.

5. With the above directions, this Criminal Original Petition stands disposed of.

02.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

- 1.The Commissioner of Police,
Madurai City.
- 2.The Assistant Commissioner of Police,
Anti Land Grabbing Special Cell,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.3968 of 2023

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