



Crl.O.P(MD).No.8457 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 02.06.2023

CORAM:

THE HONOURABLE MRS. JUSTICE R.THARANI

Crl.O.P(MD).No.8457 of 2023

M.Jebarathinam

...Petitioner

Vs.

1.The Superintendent of Police,
Tirunelveli District.

2.The Deputy Superintendent of Police,
Cheranmahadevi Sub Division,
Tirunelveli District.

3.The Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District.

4.T.Robinson

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying this Court to direct the 2nd and 3rd respondents not to harass the petitioner by interfering into a civil subject matter which is pending adjudication in O.S.No.159 of 2023 before the learned District Munsif, Tirunelveli.

For Petitioner

: Mr.S.Ashok

For Respondents 1 to 3

: Mr.S.Manikandan.

Government Advocate (Crl. Side)



CrI.O.P(MD).No.8457 of 2023

ORDER

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This petitioner has filed the present petition to direct the the 2nd and 3rd respondents not to harass the petitioner by interfering into a civil subject matter which is pending adjudication in O.S.No.159 of 2023 before the learned District Munsif, Tirunelveli.

2.On the side of the petitioner, it is stated that the petitioner mortgaged his property situated in S.No.596/2 with Tamil Nadu Mercantile Bank and SURFAESI proceedings were initiated. The fourth respondent promised to purchase the property for a sum of Rs.1,25,00,000/- (Rupees One Crore and Twenty Five Lakhs only). He has also paid a sum of Rs.6,00,000/- (Rupees Six Lakhs only) as advance. They approached the SURFAESI Court for settlement. Subsequently, the fourth respondent was not willing to purchase the property and the fourth respondent lodged a complaint with the third respondent. The third respondent out of compulsion obtained four cheque leaves from the petitioner. The second and third respondents are interfering in the civil case in O.S.No.159 of 2023 pending on the file of the learned District Munsif, Tirunelveli.

3.On the side of the prosecution, it is stated that after receiving the advance amount from the fourth respondent, the petitioner sold the property to



Crl.O.P(MD).No.8457 of 2023

a third person, that is why the fourth respondent was not able to purchase the property and he sought for return the advance amount. The petitioner has not co-operating for enquiry.

4.It is the duty of the petitioner to co-operate the enquiry to be completed by the police. The respondent police is hereby directed not to physically harass the petitioner.

5.With the above said directions, this criminal original petition is partly allowed.

02.06.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
TM

To

- 1.The Superintendent of Police,
Tirunelveli District.
- 2.The Deputy Superintendent of Police,
Cheranmahadevi Sub Division,
Tirunelveli District.
- 3.The Inspector of Police,
Munneerpallam Police Station,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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Crl.O.P(MD).No.8457 of 2023

R. THARANI,J.

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Crl.O.P(MD).No.8457 of 2023

02.06.2023