



CrI.O.P.(MD) No.12156 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.07.2023**

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

CrI.O.P.(MD) No.12156 of 2023

P.Uthamanathan

... Petitioner

Vs.

1.The Superintendent of Police,
Ramanathapuram District.

2.The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.

3.The Sub Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.

4.A.Murugaboobathi

5.A.Velusamy

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the 1st respondent to instruct the respondents 2 and 3 not to interfere the civil dispute between the petitioner and the 4th and 5th respondents under the guise of enquiry without any case.



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For Petitioner : Mr.A.Uthayakumar
For R1 to R3 : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)
For R4 : Mr.B.Babu Jaganath

ORDER

This petition is filed seeking for a direction to the respondent Nos. 2 and 3 police not to interfere in the civil dispute between the petitioner and the respondent Nos.4 and 5.

2.It is submitted by the learned counsel for the petitioner that immovable property originally belonging to the petitioner's grandfather, by name Alaguthevar was encroached by the respondent Nos.4 and 5, for which the petitioner's paternal uncle has filed a suit in O.S.No.27 of 2023 on the file of the Sub Court, Muthukulathur and the same is pending. The respondent Nos.4 and 5 have approached the respondent police and filed a complaint in respect of same properties and based on the said complaint, the police are harassing the petitioner.



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3.The learned counsel for the respondent No.4 submits that the grandfather of the respondent No.4 has purchased the property from the father of the petitioner under a registered sale deed dated 11.08.1954 and that they have been in possession of the said property and obtained permission from the Municipal authorities and started construction, thereby the petitioner has no interest or right over the properties.

4.The learned Government Advocate (Crl.side) on the other hand submits that on a complaint received from the respondent Nos.4 and 5, the police have issued notices to the petitioner, but he has not appeared. The learned Government Advocate (Crl.side) requested two weeks time, so that the police will complete the preliminary enquiry and close the case.

5.By recording the submissions made by the learned Government Advocate (Crl.side) that the enquiry will be completed within two weeks, this Petition is closed and that the police are directed not to interfere in the civil dispute between the petitioner and the respondent Nos.4 and 5. Both the parties are directed to



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approach the competent civil Court and resolve their disputes in respect of the disputed property.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

05.07.2023

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To

- 1.The Superintendent of Police,
Ramanathapuram District.
- 2.The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
- 3.The Sub Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN. J.

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