



CrI.O.P.(MD) No.15054 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

CrI.O.P.(MD) No.15054 of 2023

M.Ramanathan

... Petitioner

Vs.

**1.The Superintendent of Police,
Sivagangai District.**

**2.The Inspector of Police,
North Police Station, Karaikudi,
Sivagangai District.**

3.M.Subbaiah @ Chandrabose

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the respondent police not to harass the petitioner and his family members under the guise of enquiry by interfering in the civil dispute between the petitioner and the third respondent.

For Petitioner : Mr.G.Prabhu Rajadurai

**For R1 & R2 : Mr.B.Thanga Aravindh
Government Advocate (CrI.side)**



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ORDER

This petition is filed under Section 482 of Cr.P.C. seeking for a direction to the respondent Police not to harass the petitioner under the guise of a complaint allegedly given by the third respondent.

2. It is submitted by learned counsel for the petitioner that he has purchased a house site in the year 2008 and constructed a house and residing in that house from 2010. When the respondent Police tried to interfere with the possession of the petitioner, the petitioner has filed O.S.No.17 of 2009 on the file of the Subordinate Court, Devakottai and in the said petition, the respondent No.3 has filed an application under Order 7 Rule 11 for rejection of plaint which was dismissed, however, the respondent No.3 has moved C.R.P.(MD).No.1531 of 2009 and the said petition was allowed on 14.12.2018 by this Court and the suit was rejected and again the petitioner has filed S.L.P.(C).No.20647 of 2019 before the Hon'ble Apex Court and the same was dismissed at the admission stage on 27.09.2022.



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3. It is submitted that the third respondent has filed W.P.(MD).No. 13076 of 2023 to issue a direction to survey the land where the petitioner was not a party and as per the directions of this Court, survey was conducted with the help of a Police. Now, it is submitted by learned counsel for the petitioner that respondent Nos.1 and 2 Police have been harassing the petitioner and asking them to vacate the house and deliver the possession to the third respondent. Thereby, sought for suitable directions.

4. Learned Government Advocate (Criminal Side) submits that the respondent Police have provided protection during the course of survey of the land and there is no complaint pending against the petitioner filed by the third respondent and the respondent Police have never asked or advised or harassed the petitioner to hand over the possession of the house property to the third respondent. It is submitted that there is no case in Crime or CSR are pending against him.



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5. In view of the submissions made by the learned counsel for the petitioner and also considering the submissions made by the learned Government Advocate (Criminal Side) also, since no complaint is pending against the petitioner, since learned Government Advocate (Criminal Side) undertakes that the petitioner has not been harassing and the respondent Police are not asking the petitioner to vacate the premises, no further orders can be passed in this case. Accordingly, the Criminal Original Petition is disposed of.

29.08.2023

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

tsg



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To

- 1.The Superintendent of Police,
Sivagangai District.
- 2.The Inspector of Police,
North Police Station, Karaikudi,
Sivagangai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN. J.

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