



Crl.O.P.(MD) No.17120 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.09.2023

CORAM:

THE HONOURABLE DR.JUSTICE D.NAGARJUN

Crl.O.P.(MD)No.17120 of 2023

M.Samsudeen

... Petitioner

Vs.

1.The Superintendent of Police,
Tirunelveli, Tirunelveli District.

2.The Deputy Superintendent of Police,
Perumalpuram, Palayamkottai,
Tirunelveli District.

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

4.P.T.Abdul Sallam

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the 3rd Respondent not to harass the petitioner without following the due process of law based on his representation dated 15.09.2023.



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For Petitioner	:Mr.K.Jeya Mohan for Mr.C.Susi Kumar
For R1 to R3	:Mr.B.Thanga Aravindh Government Advocate (Criminal)
For R4	:Mr.H.Arumugam ****

ORDER

This Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure seeking for a direction to the respondent police not to harass the petitioner under the guise of enquiry and to consider the representation dated 15.09.2023 filed by the petitioner.

2.It is submitted by the learned counsel for the petitioner that the petitioner is a tenant under one Mohamed Hanif, who has been in Bombay and the petitioner has been paying the rent regularly to the original owner. It is submitted that the respondent No.4, who claims to have purchased the property from the original owner, is making an attempt to evict the petitioner without following due process of law and thereby, he filed a suit in O.S.No.367 of 2023 on the file of the District Munsif Court, Tirunelveli and in spite of it, in collusion with the respondent police, still the unofficial respondent No.4 is making efforts, thereby he filed a complaint, basing on which the petitioner is being harassed.



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3.The learned counsel for the respondent No.4 would submit that the respondent No.4 is the original owner and he has been in possession and enjoyment of the property and the petitioner is a part of a land mafia and tried to encroach the property belonging to the respondent No.4 and that on 28.08.2023, when the respondent No.4 came to the property belonging to the respondent No.4 with anti social elements, the petitioner has called the police and thereby all the persons are ran away. It is submitted that again the respondent No.4 is trying to occupy the land belonging to the petitioner.

4.The learned Government Advocate (Crl.side) submits that both the petitioner and the respondent No.4 have filed complaints against each other and both of them are pending for enquiry and requested time to dispose of the same.

5.Considering the submissions made by the learned counsel on either side and on perusal of the records, it appears that there is serious dispute in respect of title as well as possession over the property, which the petitioner and the respondent No.4 are claiming. It is surprising to know that the wife of the



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respondent No.4, who has been making allegations that the petitioner is trying to encroach, has not approached the civil Court so far. Hence, the respondent police are directed to complete the enquiry and dispose of the both the petitions as quickly as possible, not later than two weeks from the date of receipt of a copy of this order by following due process of law scrupulously. It is needless to say that in case if the dispute between the parties after the enquiry is found out to be civil in nature, the respondent police have no role to intervene.

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

26.09.2023

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To

- 1.The Superintendent of Police,
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- 2.The Deputy Superintendent of Police,
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- 3.The Inspector of Police,
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4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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DR.D.NAGARJUN. J.

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