



*Crl.O.P.(MD) No.22306 of 2023*

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **11.12.2023**

CORAM:

THE HONOURABLE MR.JUSTICE **G.ILANGO VAN**

**Crl.O.P.(MD)No.22306 of 2023**

1. Arulappan

2. Sophia

3. Madhu Antony

...Petitioners

Vs.

1.The Deputy Superintendent of Police  
District Crime Branch  
Office of the Superintendent of Police  
Samanathapuram, Tirunelveli

2. The Inspector of Police  
District Crime Branch  
Tirunelveli

3. Santhiyagu

... Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the respondents not to harass the petitioners by involving in a civil dispute with regard to the land in S.No.44/1A1A in Pallikottai Village, Maanur Taluk, Tirunelveli District



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For Petitioners :Mr.S. M.Arunkumar  
For R1 & R2 :Mr.R.M.Anbunithi  
Additional Public Prosecutor

### **ORDER**

This Criminal Original Petition has been filed to direct the respondents not to harass the petitioners by involving in a civil dispute with regard to the land in S.No.44/1A1A in Pallikottai Village, Maanur Taluk, Tirunelveli District.

2. The learned counsel appearing for the petitioners would submit that the first petitioner is owning a property in S.No.44/1A1A in Pallikottai Village, Manur Taluk, Tirunelveli District. The said property originally comprised in Patta No.2648. Those properties under the said patta number was under the possession and enjoyment of one Chinna Antony who is the father of the first petitioner herein. Later the first petitioner settled the same in favour of the second petitioner by virtue of registered gift deed dated 14.10.2015. Thereafter the second petitioner sold the same to one Dhiraviyam by way of registered sale deed dated 28.10.2021 and thereafter he was in possession and enjoyment of the same. While being so, one Arockiyamary who is having right over the property being descendent of Arulappan and the first petitioner also impersonated the Arulappan and executed property in his favour and executed fraudulent sale deed. Hence the first petitioner made an application before the



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District Registrar, Tirunelveli and the District Registrar without conducting proper enquiry the District Registrar has passed an order directing the SRO to make a remark over the above said document as fraudulent document. However the District Registrar, Tirunelveli had directed the said Arockiyamary to approach the civil Court and seek appropriate remedy. The petitioners have preferred an appeal before the Deputy Inspector General of Registration, Tirunelveli. Similar petition was also filed by the third respondent herein and the third respondent also made a similar claim as of the Arockiyamary over the property. However an attempt was made by the second respondent to convert the civil dispute into criminal one by filing complaint in the year 2021..

3. Further the petitioners 1 and 2 apprehending arrest based on the complaint approached the learned Sessions Judge, Tirunelveli seeking anticipatory bail in Cr.M.P.No.9307 of 2021 and the learned Sessions Judge has granted anticipatory bail to the petitioners. Keeping the complaint pending from the year 2021 the police are harassing the petitioners.

4. Heard the learned Additional Public Prosecutor appearing for the respondents 1 and 2.



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5. It is seen that originally the property belongs to one Arulappan who is the grand father of the private respondent herein. If it is so he has to appear before the second respondent herein and give all the particulars regarding ownership of the property and if the second respondent comes to conclusion that it is only a property dispute between the parties let the complaint be closed. If the petitioners are aggrieved over the same they can seek their remedy through appropriate forum.

6.The parties are directed to produce all the documents before the second respondent in the regard and the second respondent is directed to conduct enquiry and complete the enquiry within a period of 15 days from the date of receipt of a copy of this order.

7. With the above direction the petition stands disposed of.

**11.12.2023**

NCC : Yes / No  
Internet : Yes / No  
Index : Yes / No  
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To

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District Crime Branch  
Office of the Superintendent of Police  
Samanathapuram, Tirunelveli
2. The Inspector of Police  
District Crime Branch  
Tirunelveli
3. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**G.ILANGO VAN. J.**

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