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Crl.O.P.No.25231 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

Crl.O.P.No.25231 of 2024 and

Crl.M.P.No.14649 of 2024

S.Sumathi

... Petitioner

Vs.

1. State Rep. by

The Deputy Commissioner of Police

CCB- Avadi

Avadi Commissionerate

2. State Rep. by

The Inspector of Police

CCB-Avadi

Avadi Commissionerate

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S. to direct the 2nd respondent police not to harass the petitioner.

For Petitioner : Mr.M.D.Ilayaraja

For Respondents : Mr.S.Sugendran

Additional Public Prosecutor



ORDER

This Criminal Original Petition has been filed by the petitioner to direct the 2nd respondent police not to harass the petitioner under the guise of enquiry.

2. The learned counsel for the petitioner submitted that there was a property dispute between the petitioner and the defacto complainant and subsequently, the defacto complainant filed a civil suit in O.S.No.27 of 2019 before the Principal District Judge, Thiruvallur, and the learned trial Judge, after completion of trial, dismissed the suit on merits. Hence, the defacto complainant made a false complaint against the petitioner based on which, the respondent police is now harassing the petitioner under the guise of enquiry and to handover the original documents in respect of the suit property to the defacto complainant.

3. Heard both sides and perused the materials available on record.

4. Admittedly, the disputed property is covered under the suit filed by the defacto complainant in O.S.No.27 of 2019. Once the competent Civil



Court has disposed of the suit on merits, the police have no authority to interfere with the civil dispute.

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5. Therefore, the respondent police is directed not to harass the petitioner under the guise of enquiry in respect of the property covered under the suit in O.S.No.27 of 2019 on the file of the Principal District Judge, Thiruvallur.

6. However, if any other genuine complaint is received by the police and if the petitioner is summoned, the petitioner shall co-operate with the police for enquiry.

7. With the above directions, this Criminal Original Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

04.11.2024

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

1. The Deputy Commissioner of Police
CCB- Avadi
Avadi Commissionerate

2. The Inspector of Police
CCB-Avadi
Avadi Commissionerate

3. The Public Prosecutor,
High Court of Madras.



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P.VELMURUGAN. J.

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