



Crl.O.P.(MD).No.2251 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.02.2024

CORAM:

THE HONOURABLE Mr. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.(MD).No.2251 of 2024

Thambidurai

... Petitioner

Vs.

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

2.The Inspector of Police,
Murupandu Police Station,
Thoothukudi District.

3.U.Sundra Maharajan

4.Ramesh

5.Somu

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct Respondents 1 and 2 requesting them not to interfere in the civil dispute by entertaining the complaint given by the Respondents 3 to 5, based upon the representation given by the Petitioner dated 24.03.2023.

For Petitioner : Mr.S.Gokulraj

For R-1 and R-2 : Mr.M.Veeranthiran
Government Advocate
(Criminal Side)



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ORDER

The learned Counsel for the Petitioner submitted that he had filed this petition seeking direction against the Respondent Police not to harass the Petitioner. It is the further submission of the learned Counsel for the Petitioner that the the Petitioner had preferred suit in O.S.No.163 of 2011 before the learned District Munsif Court, Srivaikunadam and the same was dismissed, against which the Petitioner herein as a plaintiff preferred an appeal before the appellate Court and the said appeal is pending.

2. It is the further submission of the learned Counsel for the Petitioner that the Respondents 3 to 5 are alleged to have given a petition to the surveyor to conduct survey of the lands. As per the Petitioner's information obtained from the Tahsildar, no survey had been conducted. Still he understands that one Mahesh, who claims to be an Advocate had sought Police protection for survey of the lands, when dispute is still pending before the Sub Court as appeal between the Petitioner/plaintiff and the Respondents 3 to 5/defendants. Therefore, the Petitioner seeks direction against the Respondent Police not to harass the Petitioner.



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3. The learned counsel for the Petitioner also filed a copy of the FIR registered by the second Respondent in Crime No.101 of 2023, in which the complainant is identified as Mahesh, B.A., B.L., son of Vijayakaran.

4. When the appeal is pending against the dismissal of the suit, the Respondent Police cannot summon the Petitioner. If at all any FIR is registered based on the Court directions from the learned Judicial Magistrate, the Respondents are directed to issue summons in the light of the reported ruling of the Hon'ble Supreme Court in the case of ***Lalitha Kumari Vs. State Government of Uttar Pradesh*** reported in ***2014 (2) SCC 1***, by specifying the date and time for appearance of the Petitioner.

5. In view of the above, this Criminal Original Petition is disposed of.

14.02.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr



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



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SATHI KUMAR SUKUMARA KURUP, J.

Nsr

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