



CrI.O.P.(MD).No.2690 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 21.02.2024

CORAM:

THE HONOURABLE Mr. JUSTICE SATHI KUMAR SUKUMARA KURUP

CrI.O.P.(MD).No.2690 of 2024

Sasikala

... Petitioner

Vs.

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

2.The Inspector of Police,
Ulagampatti Police Station,
Sivagangai District.

3.Palanichamy

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the respondents more particularly the second Respondent not to involve or interfere in the civil matter and not to harass the Petitioner under the guise of enquiry at the instance of the third Respondent in this regard.

For Petitioner : Mr.S.Ramanathan

For R-1 and R-2 : Mr.B.Thanga Aravindh
Government Advocate
(Criminal Side)



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ORDER

This Criminal Original had been filed seeking direction against the second Respondent not to involve or interfere in the civil matter and not to harass the Petitioner under the guise of enquiry at the instance of the third Respondent.

2. The learned Counsel for the Petitioner submitted that after the death of the Petitioner's father, the Petitioner succeeds the property. The property was in the enjoyment of her father during his life time. The father of the Petitioner had already put up a construction. After the death of the Petitioner's father, since the building was structurally damaged, the building was demolished and the Petitioner sought permission from the local body concerned to put up a new construction. Subsequently, approval was granted by the Panchayat. While so, the third Respondent who does not have any claim or right over the property interfered with the possession of the Petitioner, when she was conducting Boomipooja before proceeding with the construction activities. Therefore, the Petitioner approached the second Respondent to initiate action against the third Respondent. While so, the second Respondent declined to take action on the ground that the matter involves civil dispute. Subsequently, the second



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Respondent called the Petitioner through mobile phone and directed her not to proceed with the construction, as the third Respondent has claim over the property. The said conduct of the second Respondent is objectionable.

3. The learned Government Advocate (Criminal Side) on instructions of the Respondents 1 and 2 would submit that no one has preferred any complaint against the Petitioner. It is the Petitioner who had lodged a complaint against the third Respondent, based on which CSR No.456 of 2023 was registered. At the time of enquiry, the third Respondent also appeared before the second Respondent. Therefore, both the Petitioner as well as the second Respondent agreed to conduct survey regarding the disputed site. Therefore, the said CSR was closed with a direction to both the parties to resolve their dispute after surveying the land with the help of revenue officials.

4. The learned Government Advocate (Criminal Side) would further submit that the Petitioner had given a false representation to the first Respondent through registered post. The said representation is unsigned and not enclosed with the relevant documents. It has been issued only to create documents for the purpose of getting orders from this Court. Therefore, the learned Government Advocate seeks for dismissal of this petition.



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5. Considering the submissions of the learned Counsel for the Petitioner and the learned Government Advocate (Criminal Side), it is found that the Petitioner is the owner of the property, as she succeeds the property after the death of her father. Under such circumstances, the third Respondent who claims to be a relative of the Petitioner's father attempted to interfere with the peaceful possession of the Petitioner. Therefore, this dispute is to be resolved through the Civil Court and not through the Police or through the direction from this Court.

6. In the light of the above submissions, this Criminal Original Petition stands dismissed with a direction to the Petitioner to seek appropriate relief before the Civil Court concerned.

21.02.2024

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



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To

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- 1.The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 2.The Inspector of Police,
Ulagampatti Police Station,
Sivagangai 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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