



Crl.O.P.(MD) No.2835 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.02.2024

CORAM

THE HON'BLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

Crl.O.P.(MD) No.2835 of 2024

Kumar

... Petitioner

Vs.

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Inspector of Police,
South Gate Police Station,
Madurai City.

3.Kumaresh

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the 2nd respondent not to harass the Petitioner under the guise of enquiry.

For Petitioner : Mr.S.Poornachandran

For R1 & R2 : Mr.M.Muthumanikkam
Government Advocate (Crl. Side)

For Intervenor : Mr.R.Anand



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ORDER

The learned Counsel for the Petitioner would submit that the Petitioner had filed this Petition seeking direction against the Respondent 2 not to harass the Petitioner under the guise of enquiry.

2. The learned Government Advocate (Crl. Side), on instructions of the Respondent 2, would submit that the Petitioner is in possession of the property as descendant of Narayana Iyengar. The similarity of the name of Narayana Iyengar is problem with the Respondent 3. The Petitioner disputes the name of the Respondent 3's grandfather. The Respondent 3 claims that he is the original owner. Enquiry was conducted. In the enquiry, both parties appeared. Since it is civil dispute, the enquiry was closed.

3. The learned Counsel for the Respondent 3 appeared before this Court and yet to file Vakalat. He would submit that the claim of the Petitioner is fictitious and he had misused the name of the Respondent 3's grandfather and is possession of the property. It is dispute that the Petitioner has not right over the property and he had trespassed into the



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property and had taken possession. The complaint given by the Petitioner before the Respondent 2 was not considered by the Respondent 2.

4. It is the case that the Petitioner disputes the descendant of Narayana Iyengar who succeeded rights up to privy council. He has to establish the case of the said Narayana Iyengar. Now, it is contention of the learned Counsel for the Petitioner that the Respondent 3 using the similar name of the Narayana Iyengar had attempted to trespass into the property which fetches huge value. Therefore, he sought to register the case against the Respondent 3. The Inspector of Police, South Gate Police Station instead of proceeding with registration of case closed the investigation as it is civil dispute.

5. Considering submission of the learned Counsel for the Petitioner and the learned Counsel for the Respondent 3, it is found to be a civil dispute which has to be decided by the competent Civil Court and not by the Court exercising Section 482 of Cr.P.C.



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WEB COPY 6. Hence, this Criminal Original Petition is dismissed with direction to both the parties to approach competent Civil Court.

23.02.2024

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order

JEN

To

- 1.The Commissioner of Police,
Madurai City,
Madurai.
- 2.The Inspector of Police,
South Gate Police Station,
Madurai City.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

JEN

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