



Crl.O.P.(MD).No.2980 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 05.03.2024

CORAM:

THE HONOURABLE Mr. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.O.P.(MD).No.2980 of 2024

1.Selvam

2.Murugan

3.Muthu

... Petitioners

Vs.

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

2.The Inspector of Police,
District Crime Branch,
Ramanathapuram District.

3.Soorappan

...Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the second Respondent herein to not to interfere in the civil disputes on the guise of the enquiry in pursuance to the complaint lodged by the third Respondent.

For Petitioners : Mr.G.VishnuRam

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



Crl.O.P.(MD).No.2980 of 2024

ORDER

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The learned Counsel for the Petitioner submitted that the first Petitioner had purchased the property from the Petitioners 2 and 3. The third Respondent had filed a complaint before the second Respondent against the Petitioners 1 to 3, based on which the Respondent Police had been summoning the Petitioners often. Therefore, he had filed this petition seeking direction against the Respondent Police not to harass the Petitioners and to interfere in the civil dispute.

2. The learned Government Advocate (Criminal Side) on instructions of the Respondents 1 and 2 would submit that the property belongs to the ancestral of the third Respondent. While so, the Petitioners 2 and 3 are alleged to have created forged document, as though the property belongs to the ancestral of the Petitioners 2 and 3 and had sold the same to the first Petitioner. Therefore, based on the complaint of the third Respondent, the second Respondent had summoned the Petitioners and current paper is pending with the second Respondent. Therefore, they had issued summons to the Petitioners to appear for enquiry. Instead of appearing before the Respondent Police, the Petitioner had approached this Court.



Crl.O.P.(MD).No.2980 of 2024

WEB COPY

3. Considering the fact that the complaint relates to creating forged documents, the contention of learned Counsel for the Petitioners that it is the civil dispute, cannot be accepted. The second Respondent is within his powers before ever registering a case to verify the parties concerned, Complainant and the Respondent. Therefore, based on the ruling of the Hon'ble Supreme Court in the case of *Arnesh Kumar Vs State of Bihar* reported in **2014 (8) SCC 273**, the Petitioners and the third Respondent are directed to appear before the second Respondent. The second Respondent shall conduct the enquiry in the light of the circular issued by the Director General of Police / Head of State Police Force, Tamil Nadu.

4. With the above direction, this Criminal Original Petition is disposed of.

05.03.2024

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



Crl.O.P.(MD).No.2980 of 2024

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- 1.The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.
- 2.The Inspector of Police,
District Crime Branch,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD).No.2980 of 2024

SATHI KUMAR SUKUMARA KURUP, J.

Nsr

Crl.O.P.(MD).No.2980 of 2024

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