



CrI.O.P.(MD) No.3031 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.03.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.3031 of 2024

Selvam

...Petitioner

VS

**1.The Superintendent of Police,
Kanniyakumari District at Nagercoil.**

**2.The Inspector of Police,
District Crime Branch-II,
Nagercoil, Kanniyakumari District.**

3.Joyse

...Respondents

**PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C,
praying, to direct the second Respondent Police not to interfere in the civil
dispute and not to harass the Petitioner and his family members.**

For Petitioner	: Mr.M.R.Sreenivasan
For R1 and R2	: Mr.M.Veeranthiran
	Government Advocate (crl.side)
For R3	:Mr.K.P.Narayanakumar



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ORDER

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The Criminal Original Petition had been filed seeking to direct the second Respondent Police not to interfere in the civil dispute and not to harass the Petitioner and his family members.

2.The learned Counsel for the Petitioner submitted that the Petitioner's brother purchased 8.20 Ares of land in Re.Sy.No.454/7B, Ezhudesom “A” Village, Killiyoor Taluk, Kanniyakumari District for valuable consideration of Rs.1,07,297/- from one Joyese. While so, the Petitioner had mortgaged the above property with the Tamil Nadu Mercantile Bank in the year 2021 and obtained a loan. However, he was unable to repay the loan, for which the said property was brought for sale by public auction by the Tamil Nadu Mercantile Bank. However, the third Respondent, due to previous enmity with the Petitioner, had given a false complaint against the Petitioner. Based on the same, the Respondent Police caused harassment to the Petitioner. Hence, the present Petition had been filed.

3.Considering the facts and circumstances of the case, it is to be noted



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that the dispute between the Petitioner and the *de-facto* Complainant is civil in nature. As per the direction of the Director General of Police, Tamil Nadu, the Head of State Police Force, the field officers were warned not to encourage or entertain any complaint regarding civil dispute and violation will be taken seriously. Also, the Additional Director General of Police, Law and Order, had also issued circular warning the field officers not to encourage or entertain any complaint regarding money dispute or property dispute. In view of the same, the Respondent Police are directed not to interfere with the peaceful possession and enjoyment of the property by the Petitioner and the parties are directed to appear before the civil Court for appropriate relief.

In the result, the ***Criminal Original Petition*** is closed.

Internet :Yes/No
Index :Yes/No
NCC :Yes/No
cmr

18.03.2024

To
1.The Superintendent of Police,
Kanniyakumari District at Nagercoil.

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2.The Inspector of Police,
District Crime Branch-II,
Nagercoil, Kanniyakumari District.

SATHI KUMAR SUKUMARA KURUP, J.

cmr

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