



Crl.O.P.(MD)No.3200 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.02.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

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Abdul Nazar

... Petitioner

Vs.

1. The Commissioner of Police,
Madurai City,
Madurai District.
2. The Assistant Commissioner,
C-4, Thilagar Thidal,
Madurai.
3. The Inspector of Police,
C-4, Thilagar Thidal Police Station,
Madurai.
4. Akdhar Abdhul Raghuman

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, praying to direct the third Respondent not to harass the Petitioner under the guise of complaint made by one fourth Respondent and not to interfere the civil dispute between the Petitioner and the fourth Respondent.



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For Petitioner : Mr.B.Elankumaran
For R1 to R3 : Mr.M.Veeranthiran
Government Advocate (Crl. side)

ORDER

The learned Counsel for the Petitioner submitted that the petitioner had filed this petition seeking direction against the Respondents No.1 to 3 not to interfere in civil dispute and not to harass the Petitioner.

2.The learned Counsel for the Petitioner also submitted that based on the complaint given by the fourth Respondent, who is none other than the son of the Petitioner, the Respondents No.1 to 3 are alleged to have summoned the Petitioner causing harassment to him. It is his further submission that this case is purely a civil dispute. The Petitioner is alleged to have purchased the shop from the Madurai Corporation on lease in the name of his son, who was then a minor. Now, after attaining majority and after marriage, the Petitioner's son on instigation of his wife had lodged a complaint only with the intention to harass the Petitioner. The subject matter of this case is purely a civil dispute between the father and his son for which the Police cannot interfere. Therefore, the Petitioner seeks



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direction against the Respondent Police not to interfere in civil dispute and not to harass the Petitioner.

3.The learned Government Advocate (Criminal side) on instructions from the Respondent Police submitted that the Petitioner's son is the fourth Respondent and had given a complaint that his father having purchased the property in the name of his son had denied his right of enjoyment of the property. The learned Government Advocate (Criminal side) submitted that the Respondent Police undertakes to close the enquiry on appearance of the Petitioner. The Petitioner instead of appearing before the Respondent Police, had filed this petition.

4.Considering the submission made by the learned Counsel for the Petitioner and the learned Government Advocate (Criminal side), the subject matter of this case is found to be purely civil in nature, a dispute between the father and son regarding purchase of the property in the name of the minor son and the son had given a complaint that the Petitioner is not permitting him to enjoy the property. It is construed as purely civil in nature for which the Respondent Police shall not interfere, as per the circular of the Director General of Police, Head of State Police Force, Tamil Nadu State, Chennai -4 issued in Rc.No.892914/X1/2020 dated 12.03.2021.



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5.The submissions made by the learned Counsel for the Petitioner and the learned Government Advocate(Criminal side) attracts the circular of the Director General of Police, Head of State Police Force, Tamil Nadu State, Chennai -4 issued in Rc.No.892914/X1/2020 dated 12.03.2021. Therefore, the Respondent Police are directed not to harass the Petitioner.

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

29.02.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

jbr

To

1. The Commissioner of Police,
Madurai City,
Madurai District.
2. The Assistant Commissioner,
C-4, Thilagar Thidal,
Madurai.
3. The Inspector of Police,
C-4, Thilagar Thidal Police Station,
Madurai.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.,

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