



CrI.O.P.(MD) No.4833 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.4833 of 2024

Perumal

... Petitioner

Vs.

1.The Superintendent of Police,

Theni, Theni District.

2.The Inspector of Police

Cumbum South Police Station,

Theni District.

3.Thirumalai Sudhakar

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the second Respondent not to harass the Petitioner and his family members, based on the enquiry.

For Petitioner

: Mr.P.Muthuvijayapandian

For R1 & 2

: Mr.M.Veeranthiran
Government Advocate (Crl.side)



CrI.O.P.(MD) No.4833 of 2024

ORDER

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The learned Counsel for the Petitioner submits that the Petitioner had filed this Petition to direct the second Respondent not to harass the Petitioner and his family members, under the guise of enquiry.

2. The learned Counsel for the Petitioner submits that the Petitioner had entered into usufructuary mortgage with the third Respondent for Rs.80,00,000/- (Rupees Eighty Lakhs only) and developed the property. While so, the third Respondent had given a complaint with the second Respondent, regarding the dispute between the Petitioner and the third Respondent. The Respondents 1 and 2 as police officials do not have any power either to enquire or investigate in civil dispute. Instead, the police had visited the property and attempted to take possession of the land. Therefore, the Petitioner was forced to file this Petition, seeking direction against the Respondents 1 and 2, not to interfere in civil dispute.

3. The learned Government Advocate (CrI.Side), on instructions of the Respondent Police, submits that the Petitioner is the Complainant. He



CrI.O.P.(MD) No.4833 of 2024

himself had preferred a complaint with the second Respondent. Therefore, current paper in N.Reg.No.G1/70/5104/2024 was registered and that the Petitioner, in his complaint, had not mentioned about the third Respondent herein. He had also not given details about the Respondent. Only mobile number was given. The second Respondent conducted enquiry and the mobile number of third Respondent was switched off. The attempt of the second Respondent to enquire the Petitioner was futile. The Petitioner had not appeared for enquiry. Instead, he filed this Petition not to harass the Petitioner.

4. Considering the submission made by the learned Counsel for the Petitioner and the learned Government Advocate (Criminal Side) , when the Petitioner himself had invoked the powers of Police, instead of seeking relief before the civil Court, the attempt of the Petitioner giving a Petition against the third Respondent with the second Respondent Police. Subsequently, claiming that the Respondents 1 and 2 has no power to conduct enquiry in a civil dispute is found unacceptable. Therefore, the Petitioner is directed to approach the civil Court for appropriate remedy.

5. With the above direction, this ***Criminal Original Petition*** is



Crl.O.P.(MD) No.4833 of 2024

dismissed.

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Internet :Yes./No

Index :Yes/No

NCC : Yes/No

LS

27.03.2024

To

1.The Inspector of Police

Thuckalay Police Station,

Kanyakumari District.

2. The Additional Public Prosecutor,

Madurai Bench of Madras High Court,

Madurai.



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Crl.O.P.(MD) No.4833 of 2024

SATHI KUMAR SUKUMARA KURUP, J.

LS

CRL.O.P (MD) No.4833 of 2024

27.03.2024