



Crl.O.P.(MD)No.9800 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 09.07.2024

CORAM :

THE HON'BLE MR.JUSTICE B.PUGALENDHI

Crl.O.P.(MD)No.9800 of 2024

P.Narayanasamy

... Petitioner

Vs.

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

2.The Deputy Superintendent of Police,
Sattur, Virudhunagar District.

3.The Inspector of Police,
District Crime Branch,
Virudhunagar, Virudhunagar District.

4.Padmavathi

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the third respondent not to harass the petitioner under the guise of enquiry based on the petitioner's representation dated 24.06.2024.

For Petitioner

: Mr.R.Murugan

For R1 to R3

: Mr.P.Kottaichamy,
Government Advocate(Crl.side)



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For R4 : Mr.P.Arun Jayatram

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ORDER

The petitioner with an allegation that the third respondent police is harassing him under the guise of an enquiry has approached this Court.

2.The petitioner claims that he is the owner of the property in S.Nos.295 and 237/3 situated at Iyan Rajapatti Village, Puthur Panchayat Union, Ettaiyapuram Taluk, Thoothukudi District. The petitioner has entered into a sale agreement with the fourth respondent on 26.08.2023, agreeing to sell his property to the fourth respondent for a sale consideration of Rs.32,39,500/- and also received a sum of Rs.10,00,000/- for his medical expenses as advance. He has also made an acknowledgement to the same. In the meantime, the petitioner claims that the fourth respondent has not paid the balance amount and therefore, he could not redeem the property, which is already mortgaged in the Axis Bank. However, the fourth respondent lodged a complaint before the third respondent and the third respondent in the guise of enquiry, insisted the petitioner to hand over the original document and his title deed to the fourth respondent. Therefore, the petitioner has approached this Court with the aforesaid prayer.



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3.The learned counsel appearing for the petitioner submits that the subject property has been mortgaged by the petitioner before the Axis Bank vide Document No.1636 of 2016 and at the time of agreement with the fourth respondent, he has executed the document that only after redemption, it has to be sold. However, they have registered a sale agreement and the petitioner has also received a sum of Rs.10,00,000/- from the fourth respondent as advance. The petitioner claims that even now he is also ready to execute the sale deed in favour of the fourth respondent after redemption, if he pays the balance amount.

4.The nature of the complaint appears to be civil in nature. In the event of the petitioner has not executed the document, after receiving advance amount, the fourth respondent has to workout his remedy only before the civil Court by filing a suit for specific performance. Without availing the said remedy, the fourth respondent has lodged a complaint before the first respondent on 12.06.2024. The respondent Police has also conducted petition enquiry, since it has been referred by the first respondent.



WEB COPY 5. This Court is surprised with the manner in which, the Superintendent of Police has forwarded the complaint, which is civil in nature. The Police is not having power to deal with civil matters. There is a forum for dealing with the civil matters. The Police Standing Order PSO.562 specifically prohibits the police from interfering in cases of civil in nature. Even then, complaints of similar in nature are entertained by the Police and they are doing some Kangaroo Court. The Additional Director General of Police has, recently, issued a Circular in No. 18/ADGP/L&O/Camp/2024, dated 09.01.2024, that the police are strictly refrained from enquiring or entertaining in civil matters like money dispute, land dispute, property dispute, pathway dispute, intellectual property dispute, etc. It appears, even the Superintendent of Police is not having any regard to this Circular. Hence, this Court directed the Superintendent of Police to file a report as to the reasons for forwarding such complaint for enquiry.

6. The Superintendent of Police, Virudhunagar District has, accordingly, filed a report before this Court by stating that the complaints are preferred by the villagers, innocents and illiterate public



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and therefore, the same have been forwarded to the concerned Police Station for enquiry.

7.The Investigating Agency has also made certain developments that apart from the complaint, the petitioner has impersonated his sister Ramalakshmi and created a gift deed and thereafter, transferred the patta in his favour. This averment made by the Police now is not available in the complaint of the fourth respondent. It appears that in this regard, a case in Cr.No.26 of 2015 has been registered as against the petitioner by the Inspector of Police, Masarpatti Police Station, Thoothukudi District for creation of fake document and charge sheet has also been filed in the said case in C.C.No.294 of 2021 before the learned Judicial Magistrate, Vilathikulam.

8.Though the official respondents now claim that the petitioner herein has obtained the property in a fraudulent manner, it is not the case of the fourth respondent in her complaint. A complaint has been lodged as against the petitioner alleging that he received amount for execution of sale deed, however, failed to execute the sale deed. The very nature of the complaint appears to be civil in nature and the same has been



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mechanically forwarded for enquiry and the same is kept pending.

Therefore, this Court is not inclined to accept the contention of the investigating agency.

9.In the result, this criminal original petition is allowed and the official respondents are directed not to harass the petitioner.

09.07.2024

NCC : Yes/No
Index : Yes/No
Internet:Yes
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To

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



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B.PUGALENDHI,J

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