



Crl.O.P.(MD) No.14016 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.03.2024

CORAM

THE HON'BLE MRS.JUSTICE R.HEMALATHA

Crl.O.P.(MD) No.14016 of 2021

1.S.Saravanan

2.Kannan

... Petitioners

Vs.

1.The Deputy Superintendent of Police,
Aranthangi Sub Division,
Aranthangi,
Pudukkottai District.

2.The Inspector of Police,
Aranthangi Town Police Station,
Aranthangi,
Pudukkottai District.

3.Karthik

4.Vikram

5.Prabhakaran

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, 1973, to direct the first and second respondents not to interfere in the civil dispute between the petitioners and the third to fifth respondents in connection with civil suits in O.S.No.81 of 2021 on



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the file of the Subordinate Court, Aranthangi, Pudukottai District and O.S.No.35 of 2021 on the file of the Principal Subordinate Court, Thanjavur.

For Petitioners : Mr.S.Saravana Kumar
For R1 & R2 : Mr.K.Sakthi Kumar
Government Advocate (Crl. Side)
For R3 : Mr.N.P.Sivachakkaravarthy

ORDER

This Criminal Original Petition is filed seeking for a direction to the first and second respondents to not interfere with the civil dispute in O.S.No.81 of 2021 on the file of the Subordinate Court, Aranthangi, Pudukottai District and in O.S.No.35 of 2021 on the file of the Principal Subordinate Court, Thanjavur, between the petitioners and the respondents 3 to 5.

2. This Court *vide* orders dated 21.09.2021 disposed of the present Criminal Original Petition by observing thus:

“6. Since a suit for partition is pending before the concerned Courts, the intervention of the 2nd respondent at the instance of the respondents 3 and 4 may not be proper. Whether the silver articles, which is under dispute,



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belongs to the joint family is a matter for consideration only in the aforesaid suits. Even though undertaking has been given by this petitioners, they have not complied with the same. Without complying with the same, they have approached this Court stating that the 2nd respondent is harassing them under the guise of enquiry.

7. Only on the basis of the undertaking given by this petitioners, summon has been issued. So, that will not amount to harassment. However, considering the facts and circumstances of the case, the 2nd respondent may direct the 3rd respondent to workout his remedy through proper civil proceedings.”

3. Subsequently, the present petitioners filed a petition in Crl.M.P. (MD) No.3555 of 2022 to recall the above orders passed by this Court on 21.09.2021 since the civil dispute is not between the petitioners and the respondents 3 to 5. A learned Single Judge of this Court *vide* orders dated 11.08.2022 recalled the orders dated 21.09.2021 in view of the factual mistake committed by this Court while passing the orders in the present Criminal Original Petition. Accordingly, the present Criminal Original Petition was restored to the file of this Court.



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4. Now, the present Criminal Original Petition is taken up for hearing. Mr.S.Saravana Kumar, learned counsel for the petitioners would contend that the petitioners are maternal uncles of the respondents 3 to 5 (who are all brothers) and since they did not have parents, the petitioners are taking care of the family properties of the respondents 3 to 5. It is his further contention that the respondents 3 and 5 jointly filed a partition suit in O.S.No.81 of 2020 before the Subordinate Court, Aranthangi, against the fourth respondent and the third respondent on his part filed a separate partition suit in O.S.No.35 of 2021 before the Principal Subordinate Court, Thanjavur, against the respondents 4 and 5. According to the learned counsel for the petitioners that after demise of the parents of the respondents 3 to 5, all the three brothers handed over various movable properties including silver articles to the petitioners and that the second respondent police is directing the petitioners to return the articles to the third respondent based on the complaint filed by him. His contention is that the petitioners are unable to return the articles to the third respondent since the respondents 4 and 5 are raising objections.

5. According to Mr.M.Sakthi Kumar, learned Government Advocate (Criminal Side) appearing for the first respondent police, during



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the course of enquiry in the complaint lodged by the third respondent in C.S.R.No.899/2021, the present petitioners gave an undertaking letter to the police that they would be handing over all items belonging to the family of the respondents 3 to 5 immediately and till date, they have not complied with the same.

6. It is seen from the records that there are two partition suits filed by three brothers against each other. The present petitioners are strangers to the family of the respondents 3 to 5. The petitioners have to hand over all the articles entrusted with them by the three brothers when a demand is made by them.

7. In any event, the present petition filed by the petitioners is only for a direction to the first and second respondents to not interfere with the civil dispute between the petitioners and the respondents 3 to 5. Admittedly, no suit is pending between the petitioners and the respondents 3 to 5. It is contention of the learned Government Advocate (Criminal Side) that the second respondent had already closed C.S.R.No. 899/2021 based on the undertaking given by the present petitioners that they would be handing over the movable properties of the respondents 3



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to 5. In the circumstances, nothing survives for further adjudication in this Criminal Original Petition and the petitioners are directed to return the articles to the respondents 3 to 5 immediately.

8. Since the police officials are not interfering with the civil dispute between the petitioners and the respondents 3 to 5, this Criminal Original Petition stands dismissed.

21.03.2024

Index: Yes/ No
Neutral Citation: Yes / No
Speaking Order / Non-Speaking Order

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Copy To:

- 1.The Deputy Superintendent of Police,
Aranthangi Sub Division,
Aranthangi,
Pudukkottai District.
- 2.The Inspector of Police,
Aranthangi Town Police Station,
Aranthangi,
Pudukkottai District.
- 3.The Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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R.HEMALATHA, J.

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