



CRL OP(MD). No.11378 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 24.07.2024

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD). No.11378 of 2024

Nithiyanantham

... Petitioner

Vs

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

2.The Inspector of Police,
Thuvarankurichi Police Station,
Thuvarankurichi,
Trichy District.

3.Alagu

... Respondents

Prayer : Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the second respondent not to harass the petitioner under the guise of an enquiry by interfering with the Civil Dispute on the basis of the petitioner's representation dated 18.07.2024.

For Petitioner : Mr.T.Vadivelan

For R-1 & R-2 : Mr.M.Sakthi Kumar
Government Advocate (Crl. Side)



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ORDER

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

2.The learned Counsel appearing for the petitioner submits that the petitioner has mortgaged the property on the instructions of his father/complainant in the year 2018 with one Santhosh, when the complainant was arrested in a murder case. However, the third respondent has lodged a complaint as against the petitioner. Based on the complaint, the respondent police have conducted a petition enquiry in CSR No.319 of 2024.

3.The learned Government Advocate (Crl. Side) on instruction from the respondent police submitted that the third respondent has lodged a complaint as against the petitioner that without his knowledge, the petitioner has taken the document and he has also mortgaged the same with the third party. When the same was questioned by the third respondent, the petitioner is said to have assaulted him. Since it is a dispute between the father and the son, the same has been treated as



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petition enquiry in CSR No.319 of 2024 and the same is pending.

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4.This Court considered the rival submissions made.

5.This Court is of the view that the allegation made in the complaint is that the petitioner without the knowledge of the third respondent has mortgaged the property. Therefore, the respondent police is directed to ascertain the same and to take appropriate action in accordance with law, if the third respondent has not signed in the mortgage deed.

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

24.07.2024

NCC : Yes/No
Index : Yes/No
Internet:Yes
jbr



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To:
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- 1.The Superintendent of Police,
Trichy District,
Trichy.
- 2.The Inspector of Police,
Thuvarankurichi Police Station,
Thuvarankurichi,
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI,J

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Order made in
Crl.O.P.(MD)No.11378 of 2024

24.07.2024