



Crl.O.P.(MD).No.15976 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATE: 20.02.2024

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Crl.O.P(MD).No.15976 of 2023

Krishnamoorthy

... Petitioner

Vs.

1. The Superintendent of Police,
Office of Superintendent of Police,
Theni-Madurai Road,
Theni District.
2. The Deputy Superintendent of Police,
Andipatti Police Division,
Andipatti,
Theni District.
3. The Inspector of Police,
Kadamalaikkundu Police Station,
Theni District.
4. Saravanan

... Respondents

PRAYER: Criminal Original Petition has been filed under Section 482 of Cr.P.C., to direct the respondents No.1 to 2 not to harass the petitioner and his family members till disposal of original Suit No.08 of 2023 on the file of District Munsif Court, Andipatti under the guise of enquiry.



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For Petitioner : Mr.S.Vikram

For Respondents : Mr.SS.Madhavan,
Government Advocate(Crl.Side)
for R1 to R3

ORDER

This Criminal Original Petition has been filed by the petitioner to direct the respondents 1 and 2 not to harass him and his family members, till disposal of the Original Suit in O.S.No.08 of 2023 on the file of District Munsif Court, Andipatti, under the guise of enquiry.

2.The case of the prosecution is that the petitioner is running a jewellery shop in the name and style of Balaji Jewellery in a rental building owned by Natarajan, in Kadamalaikund. The petitioner and the said Natarajan executed a rental agreement till the year 2018. Thereafter, it was extended orally. Due to debt, the petitioner unable to run the jewellery shop. Therefore, he sub leased the said shop to the fourth respondent with full knowledge that the petitioner is not the owner of the said shop. When the same was came to know to the original owner, he asked to vacate the shop immediately. The fourth respondent refused to vacate the shop by saying that he has a lease agreement till 2025 from the



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petitioner. Thereafter, on 12.01.2023, the fourth respondent gave a complaint before the third respondent Police and the same was enquired and advised the parties to work out their remedy before the rental Court. On 15.01.2023, the fourth respondent filed a suit in O.S.No.8 of 2023 before the District Munsif Court, Andipatti. While being so, on 07.03.2023, the fourth respondent filed a complaint before the third respondent. Even though the dispute is a purely a civil in nature, the second respondent said to have harassed the petitioner and his family members. Therefore, the petitioner sent a representation on 29.08.2023 to the first respondent. Since no action has been taken, the present petition has been filed.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondents 1 to 3.

4.According to the petitioner, the second respondent upon receipt of the complaint from the fourth respondent, made harassment without any authorities. Earlier this Court, considering the representation and the pendency of the civil suit, directed the second respondent to appear before this Court. As per direction of this Court, the second respondent appeared before this Court and submitted



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the report stating that based on the complaint given by the fourth respondent, the respondent conducted the investigation and closed the same with a direction to the parties to approach the civil Court and redress the grievance as per law.

5. The Honourable Supreme Court and this Court repeatedly issued a direction to the Law Enforcing Authority not to involve in the civil disputes and money disputes. The Hon'ble Supreme Court in the case of ***Deepak Kumar Shrivastava and another Vs. State of Chhattisgarh and others (2024) 3 SCC 601*** at page 605 has held as follows:

16. In conclusion, certain key observations from the factual matrix warrant a closer reflection. Prima facie, the conduct exhibited by the parties involved appears tainted with suspicion, casting a shadow over the veracity of their claims. The report from the previous inquiry reflects a convoluted landscape and unveils a trail of unethical, maybe even criminal behaviour from both parties. The unexplained inordinate delay in bringing these allegations to the police's attention despite knowledge of previous inquiry, raises even more doubts and adds a layer of scepticism to the authenticity of the claims. The facts stated, as well as the prior inquiry, reveal a shared culpability between the parties, indicative of a complex web of deceit, and unethical transactions where even civil remedies may not be sustainable. Thus, the object of this dispute, manifestly rife with mala fide intentions of only recovering the tainted money by coercion



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and threat of criminal proceedings, cannot be allowed to proceed further and exploit the time and resources of the law enforcement agency.

17. As parting suggestions, it becomes imperative to State that the police should exercise heightened caution when drawn into dispute pertaining to such unethical transactions between private parties which appear to be prima facie contentious in light of previous inquiries or investigations. The need for vigilance on the part of the police is paramount, and a discerning eye should be cast upon cases where unscrupulous conduct appears to eclipse the pursuit of justice. This case exemplifies the need for a circumspect approach in discerning the genuine from the spurious and thus ensuring that the resources of the State are utilised for matters of true societal import.

6. It is also noted that the Director General of Police, State of Tamil Nadu, has also issued circular in this aspects also. In the circular, it is specifically stated that even the Officer has no authority to interfere in the civil dispute under the guise of enquiry. In this case, in spite of that there is averment made in this petition that the Law Enforcing Agency involved in the civil dispute. With going to the said allegations, this Court specifically issues a direction to the Law Enforcing Authority not to involve in the civil dispute.



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7. With the above observations, this Criminal Original Petition is closed.

20.02.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
vsg

To

1. The Learned District Munsif,
Andipatti.
2. The Superintendent of Police,
Office of Superintendent of Police,
Theni-Madurai Road,
Theni District.
3. The Deputy Superintendent of Police,
Andipatti Police Division,
Andipatti, Theni District.
4. The Inspector of Police,
Kadamalaikkundu Police Station,
Theni District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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K.K.RAMAKRISHNAN, J.

vsg

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