



Crl.O.P.(MD)No.16760 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.16760 of 2024

Umarani

... Petitioner

Vs.

1.The Deputy Superintendent of Police,
Dindigul (Rural),
Dindigul.

2.The Inspector of Police,
Sanarpatti Police Station,
Sanarpatti,
Dindigul District.

3.The Sub Inspector of Police,
Sanarpatti Police Station,
Sanarpatti,
Dindigul District.

4.Indira

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the respondents 1 to 3 not to harass the petitioner and her family members under guise of enquiry without following due process of law based on the petitioner's representation dated 12.09.2024.



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For Petitioner : Mr.N.Madhava Govindhan
For R1 to R3 : Mr.P.Kottai Chamy
Government Advocate (Crl. Side)
For R4 : Mr.M.P.Senthil

ORDER

The Criminal Original Petition has been filed, invoking Section 528 B.N.S.S., seeking orders to direct the respondents 1 to 3 not to harass the petitioner and her family members under the guise of enquiry without following due process of law based on the petitioner's representation dated 12.09.2024.

2. The learned counsel appearing for the petitioner would submit that though the petitioner has given a complaint and on that basis, CSR No.633 of 2024 came to be registered, the respondent police on the basis of the CSR No.634 of 2024, which came to be registered on the fourth respondent's complaint, has registered an FIR.

3. The learned counsel appearing for the fourth respondent would submit that the petitioner's earlier suit for partition was dismissed for



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default and the second suit was dismissed on merits and the appeal filed before this Court in A.S.(MD)No.127 of 2018 was dismissed as abated and that the application to restore the appeal is pending now. He would further submit that even after dismissal of the appeal, the petitioner and his men had trespassed into the property of the fourth respondent and removed 69 coconut trees and hence, the fourth respondent was constrained to lodge a complaint.

4. The learned Government Advocate (Criminal Side) appearing for the respondents 1 to 3 would submit that on the basis of the complaint given by the fourth respondent, FIR came to be registered in Crime No. 325 of 2024 and investigation is pending and that on the basis of the complaint given by the petitioner, CSR No.633 of 2024 came to be registered and is pending.

5. Since CSR No.633 of 2024 is pending, the second respondent is directed to issue written summons to the petitioner as well as to the fourth respondent and conduct enquiry and pass orders in accordance with law within a period of two weeks from the date of receipt of a copy



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of this order.

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

01.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

- 1.The Deputy Superintendent of Police,
Dindigul (Rural),
Dindigul.
- 2.The Inspector of Police,
Sanarpatti Police Station,
Sanarpatti,
Dindigul District.
- 3.The Sub Inspector of Police,
Sanarpatti Police Station,
Sanarpatti,
Dindigul District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Order made in
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