



Crl.O.P.(MD)No.19280 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19280 of 2024

Lexmi

.. Petitioner

Vs.

1. The Superintendent of Police
Thanjavur District
2. The Deputy Superintendent of Police
Kumbakonam, Thanjavur District
3. The Inspector of Police
Patteeswaram Police Station
Kumbakonam Taluk
Thanjavur District
4. Jegathambal
5. Mani
6. Ramalingam
7. Elavarasi

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS directing the fourth respondent to not to interfere in the civil dispute in O.S.No.152 of 2022 pending on the file of the Kumbakonam, Thanjavur District and not to harass the petitioner and her family members under the guise of enquiry.



Crl.O.P.(MD)No.19280 of 2024

For Petitioners : Mr.A.Murthy

For Respondents : Mr.A.Thiruvadikumar
No.1to 3 Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed to direct the the fourth respondent to not to interfere in the civil dispute in O.S.No.152 of 2022 pending on the file of the Kumbakonam, Thanjavur District and not to harass the petitioner and her family members under the guise of enquiry.

2. The petitioner filed a civil suit in O.S. No.1522 of 2022 before the District Munsif Court, Kumbakonam for declaration and injunction to restrain the respondents 4 to 7 from disturbing the petitioner's peaceful possession and enjoyment of the property by way of family partition. The husband of the petitioner is no more. The respondents 4 to 7 are the in-laws of the petitioner. Taking advantage of the demise of the husband of the petitioner the respondents 4 to 7 are using the police to interfere into civil dispute and to chase out the petitioner from enjoyment of the property. Hence the son of the petitioner on behalf of the petitioner sent a representation to the respondent police on 14.10.2024, but no action has been taken. Hence the above petition.



Crl.O.P.(MD)No.19280 of 2024

3. The learned Additional Public Prosecutor would submit that it is purely a civil dispute. Earlier the son of the petitioner namely Stalin had lodged a complaint to the respondent police for which CSR No.310 of 2024 was assigned and on enquiry the complaint was closed on 02.09.2024. The counter complainant namely the seventh respondent herein has lodged a complaint against the petitioner for which CSR No. 381 of 2024 was assigned and later closed on 14.10.2024. Now the petitioner had approached the police with a complaint with same facts which was earlier closed making allegations against the Inspector of Police, Patteeswaram Police Station, Thanjavur District.

4. He would further submit that there is memorandum circulated by the Additional Director of Police, in C. No.18/ADGP/L&O/Camp/2024, dated 09.01.2024 which clearly states that the police should strictly refrain from enquiring or interfering in civil matters like money dispute, land dispute, property dispute, pathway dispute, intellectual property disputes etc and these allegations have been made by the petitioner to strengthen the civil dispute. Further if the petitioner apprehends such danger he can very well file civil suit.



Crl.O.P.(MD)No.19280 of 2024

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5. Considering the facts and circumstances of the case and also the memorandum circulated by the Additional Director of Police, in C. No. 18/ADGP/L&O/Camp/2024, dated 09.01.2024 that the police will not interfere into the civil dispute which has been communicated to the respondents 1 to 3, this Court is of the view that the respondent police will not interfere into the civil dispute. The son of the petitioner as well as the counter party have given complaint against each other and the same are civil in nature. In view of the same, apprehension of the petitioner is unwarranted. Further if the petitioner feels harassment and danger from the respondent he can very well file an injunction petition before the civil Court. The respondents 1 to 3 are hereby advised to follow the memorandum issued by the Additional Director of Police, in C. No.18/ADGP/ L&O/ Camp/ 2024, dated 09.01.2024 in letter and spirit/

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

11.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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Crl.O.P.(MD)No.19280 of 2024

To

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Thanjavur District
2. The Deputy Superintendent of Police
Kumbakonam, Thanjavur District
3. The Inspector of Police
Patteeswaram Police Station
Kumbakonam Taluk
Thanjavur District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.O.P.(MD)No.19280 of 2024

M.NIRMAL KUMAR,J.

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Crl.O.P.(MD)No.19280 of 2024

11.11.2024