



Crl.O.P.(MD)No.19130 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2024

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THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19130 of 2024

Palaniammal

.. Petitioner

Vs.

1. The Superintendent of Police
Pudukottai District
Pudukottai

2. The Inspector of Police
Viralimalai Police Station,
Viralimalai,

3. K.Kittu

.. Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS directing the 1st and 2nd Respondents not to harass the petitioner under guise of enquiry consequently direct the 2nd respondent not to interfere in the civil dispute based on the petitioners representation dt.25.10.2024.

For Petitioners : Mr.S.Gokulraj

For Respondents : Mr.K.Sanjai Gandhi
No.1& 2 Government Advocate(Crl.Side)



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ORDER

This Criminal Original Petition has been filed to direct the respondents 1 and 2 to not to harass the petitioner under guise of enquiry and consequently direct the second respondent not to interfere in the civil dispute based on the petitioners representation dated 25.10.2024.

2. The petitioner on 19.10.2024 had sent complaint to the respondent police complaining that the third respondent had encroached upon the petitioner's property and therefore the petitioner was called for enquiry on 19.10.2024 and the respondent police severally warned the petitioner and further directed her within 15 days fencing will be put up in the property and no body would be allowed to fetch potable water and no suit to be filed by the petitioner. Hence she had sent a representation to the Superintendent of police to direct the second and third respondent to not to harass her. But no action taken. She would further submit that already civil suit is filed and it is in SR stage, hence she has filed the present petition seeking to not to harass her by the second respondent at the instigation of the third respondent.



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3. The learned Government Advocate(Crl.Side) would submit that the third respondent has lodged a complaint against the petitioner on 19.10.2024 for which CSR No.695 of 2024 was assigned and both the parties were summoned and both of them agreed to approach the civil Court hence the enquiry was closed. Thereafter the petitioner gave complaint against the third respondent and CSR No.766 of 2024 was assigned and enquiry is pending. Again the son of the third respondent lodged complaint against the petitioner's relative and CSR No.786 of 2024 assigned and enquiry is pending. Suppressing the above facts the present petition has been filed.

4. He would further submit that the second respondent had advised the petitioner as well as the third respondent to approach the civil Court for getting appropriate order and obtain injunction if the property is encroached or her right has been denied. The issue is civil in nature and the respondent is not interfering with the same. Calling the petitioner for enquiry is not harassment. Suppressing the fact that the petitioner herself had lodged a complaint , hence sought for dismissal of the petition.



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5. Considering the fact that it is a civil dispute it is for the petitioner to approach the civil Court and seek her right, calling for enquiry on a complaint by the second respondent on the facts of the case cannot be termed as harassment, hence the petition stands dismissed.

07.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Superintendent of Police
Pudukottai District
Pudukottai
2. The Inspector of Police
Viralimalai Police Station,
Viralimalai,
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

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