



Crl.O.P.(MD)No.19947 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19947 of 2024

E.Sahaya Asin

... Petitioner

Vs.

1. The Superintendent of Police,
Kanniyakumari,
Kanniyakumar District.

2. The Inspector of Police,
Colachel Police Station,
Kanniyakumari District.

3. P.Tiburcius

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the second respondent, not to interfere with the civil dispute which is the subject matter of the appeals in A.S.(MD)Nos.259 & 296 of 2023 on the file of this Court.



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For Petitioner : Mr.M.P.Senthil
For R-1 & R-2 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

The Criminal Original Petition has been filed to direct the second respondent, not to interfere with the civil dispute which is the subject matter of the appeals in A.S.(MD)Nos.259 & 296 of 2023 on the file of this Court

2. The contention of the petitioner is that there is civil suit pending between the petitioner and the third respondent. The petitioner's father has filed a suit in O.S.No.283 of 2021 and same was decreed. The third respondent has filed a suit in O.S.No.169 of 2022 and the same was dismissed. Aggrieved over the same, the third respondent has filed an appeals in A.S.Nos.295 & 296 of 2024 and the same is pending before this Court. Suppressing the same, the third respondent had lodged a complaint as though the petitioner is obstructing the third respondent from entering into the Ice factory which is the subject matter of the civil



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suit. The respondent police has not considered the civil Court proceedings. Now based on the complaint of the third respondent, the respondent police is calling the petitioner for an enquiry which is causing harassment to the petitioner.

3. The learned Additional Public Prosecutor would submit that the petitioner has lodged a complaint as against the third respondent for which CSR No.1114 of 2024 assigned and the third respondent had also lodged a complaint against the petitioner for which CSR No.1109 of 2024 assigned and both the CSR were taken for an enquiry. Only for the purpose of enquiry, the petitioner was called for. He further submitted that the civil Court judgment is in favour of the petitioner and for the purpose of clarification with regard to the status of the civil suit, the petitioner's appearance is necessary. If the same is provided, it will be recorded and the CSR will be taken into it logical end.

4. The learned Counsel appearing for the petitioner would submit that the petitioner had already given his explanation along with the orders of the civil Court.



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5. In view of the above submission, this Court is of the considered opinion that the second respondent has no role. Since the dispute is of civil in nature, the respondent police is directed not to interfere with the civil dispute and also not to harass the petitioner. Accordingly, this Criminal Original Petition is disposed of.

18.11.2024

NCC : Yes / No

Index : Yes / No

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To

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



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M.NIRMAL KUMAR, J.

jbr

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