



Crl.O.P.(MD)No.19498 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19498 of 2024

Kurundhalingam

... Petitioner

Vs.

1.The State of Tamil Nadu, Rep. by,
The Superintendent of Police,
O/o. the Superintendent of Police,
Ramanathapuram District.

2.The Inspector of Police,
Sathirakudi Police Station,
Ramanathapuram District.

3.Murugesan

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023, praying to direct the first respondent to instruct the second respondent not to harass the petitioner and his family members and not to interfere in the civil dispute based on the petitioner's representation, dated 26.10.2024.

For Petitioner : Mr.P.Sepana @ Sree

For R1 and R2 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

For R3 : Mr.D.Balamuruga Pandi



Crl.O.P.(MD)No.19498 of 2024

ORDER

WEB COPY

The petitioner previously sent a representation dated 26.10.2024, alleging that the respondent Police were involving themselves in a civil dispute and were pressuring the petitioner to cancel the document at the behest of the third respondent. The petitioner claimed that, since he refused to cancel the document, the respondent Police had been calling him frequently and causing harassment.

2. The learned counsel for the third respondent submitted that the third respondent is one of the legal heirs of Ariyakkal, but his name was not included in the legal heirship certificate of Ariyakkal. The petitioner had filed a complaint, and in this case, it is alleged that forged legal heirship certificates and documents were created, resulting in encumbrances being placed on the property. Hence, the third respondent lodged a complaint with the respondent Police, but the petitioner has not appeared for any enquiry. The petitioner, without appearing for the enquiry, has submitted an explanation before this Court, claiming that the third respondent's son-in-law created the documents, and the petitioner has been made a scapegoat. This, however, is claimed to be false. The



Crl.O.P.(MD)No.19498 of 2024

petitioner is reportedly taking advantage of the absence of Selvam, who is abroad, to create this defence.

3. The learned Additional Public Prosecutor submitted that the petitioner was called for an enquiry, but without appearing, the petitioner has now approached this Court, claiming harassment.

4. Considering the submissions and on perusal of the materials, it is clear that the petitioner's contention is that this is merely a civil dispute between the petitioner and the third respondent. However, it is for the respondent Police to determine whether any forgery has been committed. If any forgery has occurred by false representation or the creation of fraudulent documents, it cannot be shielded by the argument of a civil dispute. Despite the close relationship between the parties, the respondent Police are entitled to take appropriate action, if necessary.

5. With the above direction, this Criminal Original Petition is disposed of.

NCC : Yes / No
Index : Yes / No
smn2

19.11.2024



Crl.O.P.(MD)No.19498 of 2024

WEB COPY To

- 1.The Superintendent of Police,
O/o. the Superintendent of Police,
Ramanathapuram District.
- 2.The Inspector of Police,
Sathirakudi Police Station,
Ramanathapuram District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



Crl.O.P.(MD)No.19498 of 2024

M.NIRMAL KUMAR, J.

smn2

Order made in
Crl.O.P.(MD)No.19498 of 2024

Dated: 19.11.2024