



Crl.O.P.(MD)No.19506 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.19506 of 2024

1.Sappani

2.Ambigavathi

: Petitioners

Vs.

The State of Tamil Nadu rep., by

1.The Deputy Superintendent of Police,
Kamuthi, Ramanathapuram District.

2.The Inspector of Police,
ABIRAMAM Police Station,
Abiramam, Ramanathapuram District.

3.The Tahsildar,
Abiramam Taluk Office,
Abiramam, Ramanathapuram District.

4.S.Muthaiah

: Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the second respondent and his police officials that not to harass the petitioner and his family members in the guise of enquiry based on the complaint of the fourth respondent.

For Petitioner : Mr.M.S.Jeyakarthik

For R1 & R2 : Mr.A.Thiruvadikumar
Additional Public Prosecutor

For R3 : Mr.M.Muthumanikkam
Government Advocate (Crl.side)



ORDER

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The petitioners making allegation that the second respondent police is interfering into the civil dispute between the petitioner and one Muthiah, adjacent land owner, with regard to pathway and forcing the petitioners to remove the fencing of their property, filed the above petition.

2. The contention of the petitioners is that the petitioners had purchased the property in the year 2000 from one Ramajeyam in S.No. 248/7A1 vide Doc.No.126 of 2000, dated 14.03.2000. After the purchase, they have been in peaceful possession and enjoyment of the property. In the sale deed, S.No.248/7A1 has been wrongly typed as 248/4A, for which, rectification deed was made ready. Since the petitioners' vendor had passed away, that could not be done immediately. The legal heirs of Ramajeyam were delaying to execute the rectification deed. In the meanwhile, one Muthiah, having land adjacent to S.No.248/7A1 had claimed that he has got right of pathway and obstructed the petitioner to use the pathway, which is not proper. It is submitted that the respondent police ought not to have interfered into the civil dispute between the petitioner and the said Muthiah. Further, the second respondent police



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forced the petitioner to remove fencing and also to give undertaking on the terms of said Muthiah. Hence, the present petition.

3. The learned Additional Public Prosecutor appearing for the respondent police, on instructions, would submit that the said Muthiah had lodged a complaint to the respondent police on 22.10.2024. On receipt of the same, CSR.No.525 of 2024 assigned. For enquiry, the said Muthiah and the petitioner were called. Both appeared on 03.11.2021 and admitted the dispute between them and also the dispute is with regard to 10ft pathway and fencing the property and finding that the matter pertains to civil in nature, the complaint in CSR.No.525 of 2024 was closed on 03.11.2024 and both parties are advised to approach the civil forum to seek remedy. Further submitted that the petitioner is no more needed for enquiry.

4. Recording above, this Criminal Original Petition is disposed of.

12.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
Rmk



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- 1.The Deputy Superintendent of Police,
Kamuthi, Ramanathapuram District.
- 2.The Inspector of Police,
ABIRAMAM Police Station,
Abiramam, Ramanathapuram District.
- 3.The Tahsildar,
Abiramam Taluk Office,
Abiramam, Ramanathapuram District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR,J.

Rmk

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