



W.P.(MD)No.19474 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

W.P.(MD)No.19474 of 2024

Malarvizhi

: Petitioner

Vs.

The State of Tamil Nadu,
rep., by

1.The Superintendent of Police,
O/o.The Superintendent of Police,
Dindigul District.

2.The Inspector of Police,
Ammayanayakanoor Police Station,
Dindigul District.

3.Sivaraj

4.Vanitha

: Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS Act, 2023, to direct the respondents 2 and 3 herein not to harass the petitioner herein under the guise of enquiry on the basis of the complaint lodged by the fourth respondent herein.

For Petitioner
For R1 & R2

: Mr.P.Mani Anandh
: Mr.A.Thiruvadikumar
Additional Public Prosecutor



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ORDER

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The petitioner had filed this petition complaining that the second respondent police at the instance of the third and fourth respondents are unnecessarily calling the petitioner for enquiry and conducting the Kangaroo Court pressurizing the petitioner to arrive at settlement on the terms of private respondents. Hence, she had filed above petition.

2. The petitioner and the fourth respondent are sisters. The fourth respondent got married one Murugan. After marriage, they are residing in Pune in the state of Maharashtra. The petitioner's husband and the fourth respondent's husband are cousin brothers. Hence, they are close relatives. The fourth respondent's property has been leased out by the petitioner's family and the petitioner also developed the property. There was some dispute over the same. Hence, the petitioner has filed a civil suit in O.S.No.118 of 2024 before the District Munsif Court, Nilakottai. This is now being given a criminal colour at the instance of the fourth respondent and hence, the second respondent at the instance of fourth respondent is calling the petitioner over phone and harassing her, which is against the circular issued by the Additional Director General of Police, dated 09.01.2024 restraining the police not to interfere with the civil dispute.



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3. The learned Additional Public Prosecutor appearing for the respondent police, on instructions, would submit that the fourth respondent, sister of the petitioner, had lodged a complaint and case in Crime No.298 of 2024 for the offence under Section 126(2), 296(b) and 351(2) of BNS Act, 2023 assigned. Prior to this, since it was found it is a dispute between the sisters, CSR.No.496 of 2024 assigned and thereafter, the petitioner was called for enquiry, but she refused to participate in the enquiry and now, making wild allegation against the police officials and thereafter, finding substance in the fourth respondent's complaint, FIR in Crime No.298 of 2024 has been registered. Calling the petitioner for enquiry and not co-operating with the same, cannot be termed as now harassment.

4. Considering the aforesaid submission and now case is registered against the petitioner, nothing survives for further adjudication in this petition. Accordingly, this Criminal Original petition is disposed of.

12.11.2024

NCC : Yes/No
Index : Yes / No
Rmk



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To

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



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M.NIRMAL KUMAR,J.

Rmk

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