



Crl.O.P.(MD)No.20107 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.11.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.20107 of 2024

Valli

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep., by the Commissioner of Police,
Tirunelveli City,
Tirunelveli.

2.The Inspector of Police,
Town Police Station,
Tenkasi District.

3.A.Brammanayagam

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, 2023, to direct the first respondent to instruct the second respondent not to harass the petitioner under the guise of enquiry, on the basis of the petitioner's representation dated 11.11.2024.

For Petitioner : Mr.M.Sankar

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



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ORDER

The petitioner had sent a complaint to the police stating that the third respondent, who is residing to the adjacent property of the petitioner, had caused obstruction and disturbance with regard to usage of pathway and further, putting a grill gate encroaching upon the petitioner's property. With regard to the same, there is a civil suit in O.S.No.524 of 2018, which had been ended in favour of the petitioner, against which, the third respondent had preferred an appeal in A.S.No.1 of 2022 and in the appeal, the third respondent had obtained a favorable order. Thereafter, the third respondent had been in possession and enjoyment of the property including the petitioner's property and also, obstructing the petitioner's way. The respondent police despite aware that it is the civil dispute between the petitioner and the third respondent are indulging in the civil dispute and causing harassment to the petitioner. Further, submitted that against the order of appeal suit, the petitioner had filed second appeal in SA(MD).SR.No.44252 of 2024 before this Court.



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2. The learned Additional Public Prosecutor submitted that the petitioner and the third respondent are called for enquiry. The second respondent has been reminded all the directions given in the circular issued by the Additional Director General of Police, wherein it has been specifically directed that the police not to get involved in the civil dispute between the parties and advised them to approach the civil Court. The police cannot take a role of civil Court. Thus, the respondent police have been instructed accordingly. It is for the petitioner and the third respondent to obtain appropriate order before the civil Court.

3. In view of the submission made by the learned Additional Public Prosecutor, this Criminal Original Petition is disposed of.

NCC : Yes / No
Index : Yes / No
Rmk

20.11.2024



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To

- 1.The Commissioner of Police,
Tirunelveli City,
Tirunelveli.
- 2.The Inspector of Police,
Town Police Station,
Tenkasi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.NIRMAL KUMAR, J.

Rmk

Order made in
Crl.O.P.(MD)No.20107 of 2024

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