



Crl.O.P.(MD)No.19950 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.19950 of 2024

Malaisamy

... Petitioner

Vs.

1. The Superintendent of Police,
Superintendent Office,
Madurai District.

2. The Inspector of Police,
Othakadai Police Station,
Madurai District.

3. Nagaraj

... Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the second respondent, not to harass the petitioner under the guise of an enquiry, by considering the representation dated 13.11.2024.

For Petitioner : Mr.P.Praveenkumar

For R-1 & R-2 : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor



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ORDER

The Criminal Original Petition has been filed to direct the second respondent, not to harass the petitioner under the guise of an enquiry, by considering the representation dated 13.11.2024.

2. The petitioner and the third respondent are blood brothers. Under the guise of the third respondent's complaint, the second respondent is calling the petitioner often for an enquiry and further on 09.11.2024, the second respondent had forced the petitioner to hand over the original documents to the third respondent which is under mortgage. The petitioner had taken loan on the property for the marriage of the third respondent as well as for performing funeral ceremony for his mother. The petitioner had only sought for 1 ½ years time to repay the debt amount and to hand over the original document to third respondent. However, the petitioner did not hand over the property to the third respondent.

3. The learned Additional Public Prosecutor would submit that



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based on the complaint of the third respondent, CSR No.975 of 2024 assigned alleging that the petitioner had mortgaged the family property and he had been enjoying the property and the mortgage amount. The petitioner had appeared before the respondent police and he undertake to resolve the issue with the third respondent by redeeming the property and by handing over the original documents to the third respondent.

4. Considering the fact that it is a family dispute with regard to enjoyment of the property between two siblings, the respondent police has no jurisdiction to interfere in a civil dispute.

5. In view of the same, this Criminal Original Petition is disposed of.

18.11.2024

NCC : Yes / No
Index : Yes / No
jbr



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M.NIRMAL KUMAR, J.

jbr

To

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

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