



Crl.O.P.(MD)No.22422 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2024

CORAM

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.(MD)No.22422 of 2024

1.R.P.Balakrishnan
2.R.P.Balanamachivayan
3.S.Velsamy

: Petitioners

Vs.

State of Tamil Nadu rep., by
1.The Superintendent of Police,
Ramanathapuram District.

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

3.Gopalsamy
4.Thirumalram
5.Seetharaman
6.Kalyanram
7.Jeyaram
8.Sasi
9.Radhakrishnan
10.Prema
11.Kalyani

: Respondents

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the first respondent to instruct the second respondent not to harass the petitioners based on the representation dated 26.11.2024, 02.12.2024 and 09.12.2024 pending before the first respondent.



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For Petitioners : Mr.T.R.Subramanian
For R1 & R2 : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

The petitioners 1 and 2 are co-sharers of the right over the property in S.No.226 /2 situated at Sathirakudi Village, A.Puththur, Paramakudi Taluk. The respondents 3 to 11 belongs to one family and now, presently residing at Madurai. There is a dispute in sharing of the ancestral property. The petitioners 1 and 3 others had filed civil suit in O.S.No.433 of 2021, which is pending before the I Additional District Court, Madurai and the respondents 3 to 11 filed two suits for declaration of their ancestral property in O.S.No.20 of 2000 and O.S.No.30 of 2000 before the District Munsif Court, Paramakudi. Now, the suits in O.S.Nos.20 and 30 of 2000 pending before the District Munsif Court had been transferred to the file of I Additional District Court and renumbered as O.S.Nos.293 and 294 of 2024. All three suits are now pending before the one Court for trial. This being so, the respondent police are entering into civil dispute between the petitioners and the private respondent and harassing the petitioners to appear for enquiry. The petitioners had sent a representation on



26.11.2024, 02.12.2024 and 09.12.2024 giving details of the property and the pendency of the civil suits. There is some dispute with regard to cutting down of some palm trees in the ancestral property.

2. The learned Additional Public Prosecutor submitted that on the complaint of the third respondent/ Gopalsamy, CSR.No.386 of 2024 assigned. The complaint is that the petitioner had trespassed into their property and cut down palm trees. The petitioners were summoned on 20.11.2024, 22.11.20224 and 24.11.2024, but they have not responded, on the other hand, they had filed this petition as if they are harassed. He further submitted that the respondent police had called the petitioners for enquiry and they are also aware 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 were also aware that there is civil suit pending between both the petitioners and the third respondent and the petitioners are expected to give details and thereafter, on collection of details, the enquiry can be concluded.



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3. The learned counsel for the petitioners submitted that the first petitioner aged about 75 years and the third petitioner aged about 65 years. The second petitioner, S/o R.P.Balakrishnan/ first petitioner, will appear on behalf of all the petitioners before the respondent police on 09.01.2025, submit all the documents including the civil suit papers and give explanation. The respondent police can record the same.

4. In view of the above, the second petitioner to appear before the respondent police on 09.01.2025 and submit all details and on receipt of the same, the second respondent to enquire ensuring the counter petitioner/third respondent's presence and conclude the same, within a period of two months therefrom. It is made clear that in the guise of enquiry, no harassment to be caused.

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

19.12.2024

NCC : Yes/No

Index : Yes / No

Internet : Yes / No

Rmk

Note : Issue order copy on 06.01.2025



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To

WEB COPY

- 1.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.



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M.NIRMAL KUMAR,J.

Rmk

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