



Crl.O.P.(MD)No.2569 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.02.2025

CORAM :

THE HON'BLE MR.JUSTICE P. DHANABAL

Crl.O.P.(MD)No.2569 of 2025

1. Vijay

2. Geetha

... Petitioners

Vs.

1. The Superintendent of Police,
Theni District,
Theni.

2. The Inspector of Police,
District Crime Branch-II,
Theni DSP Office,
Theni 625 531.

3. Kalai Rani

...Respondents

Prayer : Criminal Original Petition filed under Section 528 of BNSS, 2023, to direct the 2nd respondent not to harass the petitioners and his family members on the guise of enquiry and to follow the procedure established under the law.

For petitioners : Mr.P.Sivachandran

For R-1 & R-2 : Mr.R.M.Anbunithi

Additional Public Prosecutor (Crl. Side)



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ORDER

This petition is filed by the petitioners to direct the 2nd respondent not to harass the petitioners and his family members in the guise of enquiry and to follow the procedure established under the law.

2. According to the petitioners, the 3rd petitioner is the younger sister of the 1st petitioner's mother and she gave a complaint before the 2nd respondent police and issued summon to attend the enquiry on 03.01.2025 and in fact, the property is situated in survey no.305 and new survey no.453/3, D.No. 48 to an extend of 1620 sq.ft., situated at Govindhanagaram, Govindhanagar Village, Theni District, belongs to the 1st petitioner's mother and his grand father. Thereafter, the partition deed was executed on 20.02.2006 and the property was allotted to the 1st petitioner. While so, the 1st petitioner executed a settlement deed in favour of the 2nd petitioner in the year 2018 and the petitioners are in possession and enjoyment of the property. In the mean time, the 3rd respondent's grand daughter namely Umamageshwari filed a suit in O.S.No.24 of 2014 on the file of the Sub Court, Theni against the 1st petitioner and his mother for the relief of partition and the same was dismissed on 04.08.2018. No appeal was filed against the said judgement. While so, the 3rd respondent gave a



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complaint before the Inspector of Police, Gandamanur Police Station, Theni and 1st petitioner also appeared for the enquiry and stated that there is a civil dispute and thereafter, the said complaint was closed on 11.12.2024. By suppressing all the above said facts, the 3rd respondent again gave a complaint before the 2nd respondent for the same cause of action and the 2nd respondent also called the petitioners for enquiry. The above said complaint was lodged only to harass the petitioners and the respondent police cannot compel the petitioners to enter into the settlement. Therefore, he filed this petition.

3. The learned Additional Public Prosecutor (Criminal Side) appearing for the respondents no.1 and 2 would submit that already they received the complaint from the 3rd respondent and the same is under enquiry and they will complete the enquiry within 15 days.

4. Considering the limited scope of the prayer of the petitioners, this Court without issuing notice to the 3rd respondent inclined to pass orders.

5. Considering the prayer of the petitioners and the representation of the learned Additional Public Prosecutor, it is appropriate to direct the 2nd respondent to complete the enquiry within fifteen [15] days and to act



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according to law on merits from the date of receipt of this order.

Accordingly ordered.

6. With the above said direction, this Criminal Original Petition is disposed of. No costs.

12.02.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes

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P. DHANABAL, J.,

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To

1. The Superintendent of Police,
Theni District,
Theni.

2. The Inspector of Police,
District Crime Branch-II,
Theni DSP Office,

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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