



Crl.O.P.(MD)No.3440 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :24.02.2025

CORAM :

THE HON'BLE MR.JUSTICE P. DHANABAL

Crl.O.P.(MD)No.3440 of 2025

P.Murugesan

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by the Superintendent of Police,
Office of the Superintendent of Police,
Kanyakumari District,
Nagercoil.

2. The Inspector of Police,
Eathamozhi Police Station,
Kanyakumari District.

3. Rajapandian

4. Narayanee

... Respondents

Prayer : Criminal Original Petition filed under Section 528 of the Bharatiya Nagarik Suraksha Sanhita, 2023 / under Section 482 of Criminal Procedure Code, to direct the 2nd respondent not to interfere with the civil dispute between the petitioner and respondents no. 3 and 4, which is the subject matter of the appeal in A.S. No. 76 of 2024 on the file of the learned Principal Sub-Judge, Nagercoil.



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For Petitioner : Mr.A.Mohamedhaneef

For R1 & R2 : Mr.R.M.Anbunithi
Additional Public Prosecutor (Crl. Side)

ORDER

This petition is filed by the petitioner to direct the 2nd respondent not to interfere with the civil dispute between the petitioner and the respondents no. 3 and 4.

2. According to the petitioner, he is the owner of the property in Re.Survey No.430/10, situated at Tharampuram village, Agastheeswaram Taluk, Kanyakumar District. While so, there is a civil dispute pending between the petitioner and the private respondents and already a suit in O.S.No.436 of 2012 was filed before the Additional District Munsif Court, Nagercoil for the relief of permanent injunction and the same was dismissed. Thereafter, an appeal in A.S.No.76 of 2024 on the file of Sub Court, Nagercoil is pending. While so, the private respondents have burnt the petitioner's property, for that a complaint was lodged, but no F.I.R has been registered. In the mean time, when the petitioner wanted to replace the burnt shed by way of thin sheet, the 2nd respondent colluding with the 3rd and 4th respondents, restrained the petitioner from replacing the burnt materials. Therefore, he filed this petition.



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3. The learned Additional Public Prosecutor (Criminal Side)

appearing for the respondents no.1 and 2 would submit that they have not interfered with the civil dispute and not restrained the petitioner from replacing the burnt materials in the shop.

4. Considering the limited prayer sought for in this petition, this Court even without issuing notice to the respondents no.3 and 4 inclined to dispose of the petition by recording the submission of the 2nd respondent that they have not interfered with the civil dispute. Accordingly, this petition is disposed of. It is needless to mention that if it is a civil dispute, the respondent police have to follow the circular issued by the higher authority in this regard.

24.02.2025

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,
Office of the Superintendent of Police,
Kanyakumari District,
Nagercoil.
2. The Inspector of Police,
Eathamozhi Police Station,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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