



Crl.O.P(MD)No.7486 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 24.04.2025

CORAM

THE HONOURABLE MR.JUSTICE P. DHANABAL

Crl.O.P(MD)No.7486 of 2025

Santhosh

... Petitioner

Vs

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

2. The Inspector of Police,
Subramaniapuram Police Station,
Madurai City,
Madurai.

3. M/s.Alagendra Super Market,
Rep. by its Manager,
Gowthaman,
Palanganatham,
Madurai.

... Respondents

PRAYER: Criminal Original petition has been filed under Section 528 of BNSS to restrain the 2nd respondent police from harassing the petitioner by disturbing his smooth running of shop and threatening to dispossess him from the property in Mayan Mutton Stall, T.S.No.9, Palanganatham Main Road, Palanganatham, Madurai.



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For Petitioner : Mr.T.Antony Arulraj

For Respondents: Mr.M.Sakthi Kumar (R1-R3)
Government Advocate (Crl.Side)

Mr.J.Senthil Kumar (R4)

ORDER

This Criminal Original Petition has been filed to restrain the 2nd respondent police from harassing the petitioner by disturbing his smooth running of shop and threatening to dispossess him from the property in Mayan Mutton Stall, T.S.No.9, Palanganatham Main Road, Palanganatham, Madurai.

2.According to the petitioner, he is running a Mutton Stall in the name and style of 'Mayan Mutton Stall' at T.S.No.9, Palanganatham Main Road, Palanganatham, Madurai and the third respondent is running a Supermarket behind the Mutton Stall. Therefore, the third respondent lodged a complaint against the petitioner before the second respondent. Thereafter, the third respondent has approached this Court to take action based on his complaint and the same was disposed of by this Court directing the second respondent to consider the complaint of the third respondent. Taking advantage of the same, the



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second respondent under the guise of enquiry, threatened the petitioner to vacate the Mutton Stall. The National Highways Authorities also issued a notice to the petitioner to vacate the shop. In this regard, the petitioner also filed a suit in OS No.929 of 2024, on the file of Sub Court No.III, Madurai against the third respondent, Corporation of Madurai and the National Highways Authorities and the same is pending. Therefore the petitioner sent a representation to the first respondent on 17.04.2025 not to harass him under the guise of enquiry, but no action has been taken. Hence, this petition has been filed.

3.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that there is a dispute between the petitioner and the third respondent in respect of running a mutton shop by the petitioner in front of the third respondent's Supermarket, thereby, the third respondent lodged a complaint. This Court directed the respondent police to consider the representation of the 3rd respondent and only for the purpose of enquiry, they have called the petitioner. Apart from that, they have not insisted the petitioner to remove the stall as alleged by him.



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4.The learned counsel appearing for the third respondent would submit that the petitioner had encroached the Government property, therefore, he lodged a complaint before the respondent police. Based on his complaint the second respondent is now conducting an enquiry. The 3rd respondent has also approached this Court for taking action against the petitioner for the complaint lodged by him before the second respondent. This Court directed the second respondent to conduct an enquiry based on his complaint and take appropriate action. Therefore, the second respondent now called the petitioner for an enquiry. At this stage, the petitioner has filed this petition. Hence, this petition is liable to be dismissed.

5.Heard the learned counsels appearing on either side and perused the records available on records.

6.The prayer of the petitioner is not to harass him under the guise of enquiry. The second respondent has stoutly denied the harassment alleged by the petitioner, stating that only based on the direction of this Court, the second respondent has called the petitioner



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for an enquiry and apart from that they have not harassed the petitioner.

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7.Recording the aforesaid submission of the learned

Government Advocate (Crl.Side) appearing for the respondent police,
this petition is closed.

24.04.2025

Internet :Yes

Index :Yes/No

NCC :Yes/No

PNM

To

1.The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli District.

2. The Inspector of Police,
Pathamadai Police Station, Pathamadai,
Tirunelveli District.

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



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P. DHANABAL, J.

PNM

ORDER IN
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