



Crl.OP(MD)No.22310 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.12.2025

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P.(MD).No.22310 of 2025

Prasathkumar

... Petitioner

Vs.

- 1.The Superintendent of Police,
O/o. The Superintendent of Police,
Thanjavur District.
- 2.The Deputy Superintendent of Police,
The Deputy Superintendent of Police office,
Thiruvaidaimaruthur Sub Division,
Thanjavur District.
- 3.The State of Tamilnadu,
Rep.by The Inspector of Police,
Thiruvaidaimaruthur Police Station,
Thanjavur District.
- 4.Rajkumar
- 5.Mankayarkarasi
- 6.Sharmila

... Respondents



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Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the respondents 2 and 3 herein not to interfere with the civil dispute by following the memorandum issued by the Additional Director General of Police (Law and Order) Tamilnadu dated 09.01.2024.

For Petitioner : Mr.B.Jameelarasu
For R1 to R3 : Mr.M.Sakthikumar
Government Advocate (Crl. side)
For R4 & R5 : Mr.AN.Ramanathan

ORDER

When the matter was taken up for hearing on 11.12.2025, this Court has observed as follows:

“This original petition is filed seeking direction to the respondents 2 and 3 not to interfere with the civil dispute between the petitioner and the respondents 4 to 6.

2. Mr.B.Jameelarasu, learned counsel for the petitioner, submitted that the petitioner has exclusively been in possession with respect to the house bearing Door.No.47, Ko.Si.Mani Nagar West and another house property situated in S.No.10/2, New S.No.271/21, situated at V.P.V Backiyalakshmi Nagar, Thepperumalnallur Village, Thiruvidadaimaruthur Taluk,



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Thanjavur District. However, he fairly conceded that the petitioner is not possessing any title over the same. The fourth respondent and the husband of the sixth respondent, namely, Late.Karthikeyan, have together executed an unregistered mortgage deed on 09.01.2025 in favour of the petitioner, after borrowing a sum of Rs.2 Crores from him and thereby, handed over the possession of the portion of the subject property on the day of said mortgage deed itself. From 09.01.2025, the petitioner and his wife have been in possession and enjoyment of the said property.

3. However, the respondents 4 to 6, without settling the amount of Rs.2 Crores, are now trying to disturb the petitioner's possession. Since they were not able to succeed in their initiative, they have lodged a complaint before the third respondent police, pursuant to which, the third respondent has been continuously harassing the petitioner and his wife by frequently requiring them to appear before the police station. Hence, the petitioner seeks the indulgence of this Court .

4. Per contra, the learned counsel for the respondents 4 and 5 submitted that the petitioner claims that he has exclusively been in possession over the subject property is completely false and at no point of time, the possession of the property was handed over to the petitioner. It is true that the said property was purchased by the fourth respondent from the



writ petitioner's wife as a vacant site. Thereafter, they have obtained loan from Canara bank to the tune of Rs.82,00,000/- for constructing apartment consisting five houses. At no point of time, the alleged amount of Rs.2 Crores was borrowed by any of the respondents 4 to 6. The signature of the fourth respondent itself is fabricated. The learned counsel also drew the attention of this Court to the said alleged document, which would reveal that though the date of document was mentioned on 09.01.2025, the same was sealed on 04.08.2025, that itself would prove the lack of prudence on the part of the petitioner's version. He categorically contended that it is only the petitioner and his wife, who actually trespassed and encroached upon the property of the respondents 4 to 6, following which, complaint was lodged and FIR came to be registered in Crime No.773 of 2025 on 09.12.2025.

5. The learned Government Advocate (Crl.side) appearing for the respondent State, fairly conceded that though an FIR was registered in Crime No.773 of 2025 against the petitioner and his wife by the third respondent police, the same has been kept in abeyance and has not been uploaded on the CCTNS portal.

6. At that time, the learned counsel for the petitioner submitted that the petitioner and his wife are present before this Court and on consulting with the petitioner, the learned counsel



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for the petitioner submitted that in the event of an FIR having been registered against the petitioner and his wife, the petitioner expressed his readiness for an amicable settlement and undertook to file an affidavit before this Court, assuring that neither he nor his wife nor any person claiming under them would interfere with the peaceful possession of the subject house by respondents 4 to 6, until the disposal of the civil suit in O.S. No. 98 of 2025 on the file of the District Munsif-cum-Judicial Magistrate, Thiruvudaimaruthur, Thanjavur District, which is already pending between the parties.

8. In view of the above, this Court directed the learned counsel for respondents 4 and 5 to obtain instructions from his clients as to whether they are amenable to the proposal put forth by the learned counsel for the petitioner.

9. Post the matter on”

2. Today, when the matter came up for hearing, the learned counsel for the respondents 4 and 5 submitted that the fourth respondent is present before this Court and when this Court elaborated the suggestions put forth by the learned counsel for the petitioner, he magnanimously came forward to give up the complaint lodged as



Crl.OP(MD)No.22310 of 2025

against the petitioner and his wife on condition that they will never ever disturb the peaceful possession and enjoyment of the subject property, till the disposal of the pending civil suit in O.S. No. 98 of 2025 on the file of the District Munsif-cum-Judicial Magistrate, Thiruvudaimaruthur, Thanjavur District.

3. In view of the aforesaid submission, the learned counsel for the petitioner has also filed an affidavit and the assurance was given in para No.6 and the same is extracted hereunder:

“6.I further submit that in the above said circumstances, I hereby undertake before this Hon'ble Court that I would claim the relief by virtue of unregistered mortgage deed dated 09.01.2025 by filing a fresh civil suit or pending suit for which I would be opting myself. Therefore, I will not claim or interfere with the possession of the house property in dispute. “

4. Recording the same, the third respondent police is directed not to proceed with the FIR in Crime No.773 of 2025 and not to upload the same any further and take necessary step to close the same. The petitioner and the respondents 4 to 6 are directed to work out their



Crl.OP(MD)No.22310 of 2025

remedy before the civil Court in the pending suit in accordance with law. The second respondent is directed not to take any adverse inference against the petitioner and to refrain from harassing him in any manner. The defacto complainant is also directed to co-operate with the third respondent police to close the FIR. The said exercise shall be completed within a period of two weeks from the date of receipt of a copy of this order.

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

12.12.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Rmk



Crl.OP(MD)No.22310 of 2025

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To

- 1.The Superintendent of Police,
O/o. The Superintendent of Police,
Thanjavur District.
- 2.The Deputy Superintendent of Police,
The Deputy Superintendent of Police office,
Thiruvudaimaruthur Sub Division,
Thanjavur District.
- 3.The Inspector of Police,
Thiruvudaimaruthur Police Station,
Thanjavur District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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Crl.OP(MD)No.22310 of 2025

L.VICTORIA GOWRI, J.

Rmk

CRL OP(MD)No.22310 of 2025

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