



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22-06-2026

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THE HONOURABLE MR JUSTICE M. NIRMAL KUMAR

CRL OP No. 15053 of 2026

Mohamed Sheik Ismail

Petitioner(s)

Vs

1. The state rep. by
The Superintendent of Police,
District Police Head quarters,
Nagapattinam District, Nagapattinam.

2.The Inspector of Police,
Thittachery Police Station,
Nagapattinam District.

3.Jehabar Nachiyar

4.Mohammed Kudbuddeen

Respondent(s)

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, to direct the 2nd respondent and its officials not to harass the petitioner and his family members.

For Petitioner(s): Mr.M.Palanivel

For Respondent(s): Mr.R.Rajasekaran
Government Advocate (Crl. Side)
for R1 and R2
Mr.R.Vinoth Raja for R3



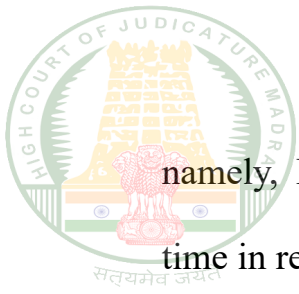
ORDER

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This Criminal Original Petition has been filed, seeking a direction to the 2nd respondent and its officials not to harass the petitioner and his family members.

2. The learned counsel for the petitioner submitted the petitioner had sent a representation dated 15.05.2026 to the Superintendent of Police, District Police Head Quarters, Nagapattinam District, Nagapattinam. In the said representation, it was stated that his paternal grandfather, Sheikh Ismail Rowthar, was the absolute owner of various immovable properties including the land measuring 15 cents comprised in Old Natham Survey No.120/10, Village P.Konthagai, Thittachery, Nagapattinam District.

3. It was further submitted that the petitioner's grandfather had one son, namely, Mohamed Hussain, who, after the demise of his father, became the absolute owner of the aforesaid properties. The said Mohamed Hussain had four children namely, Jehabar Nachiyar, Mohammed Hanifa, Mohammed Sulaiman and Mohamed Sheik Ismail, among whom respondents 3 and 4 are siblings. According to the petitioner, neither his father Mohamed Hussain nor his mother



namely, Balkis Nachiyar, executed any gift/settlement deed during their life time in respect of the aforesaid property.

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4. The learned counsel further submitted that it was subsequently found that the respondents 3 and 4 had allegedly forged certain documents and created records as though the petitioner's father had gifted a portion of the aforesaid property to them. Upon coming to know the same, the petitioner instituted a suit in O.S.No.119 of 2017 before the learned Subordinate Court, Nagapattinam, seeking declaration and partition of his 2/7th share in the aforesaid property. The said suit came to be dismissed by judgment, dated 09.02.2026. Aggrieved by the same, the petitioner has preferred an appeal in A.S.No.4 of 2026 before the learned Principal District Judge, Nagapattinam, and the same is pending.

5. The learned counsel also submitted that, while the appeal is pending, respondents 3 and 4 lodged a false complaint before the respondent police. Based on the said complaint, the petitioner was summoned for enquiry. Further, he submitted that the dispute is purely civil in nature and that the respondent police unnecessarily interfered in the matter. The petitioner also alleged that the police entered his house, caused damaged to the property and assaulted his wife,



who was thereafter treated at a Government Hospital.

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6. Per contra, the learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner is in possession of the family property and is not willing to allot shares to the siblings. He further submitted that the petitioner had lost in the civil suit and that the appeal preferred by him is pending before the learned Principal District Judge, Nagapattinam. He fairly submitted that the dispute is a family property dispute and that the appeal is pending adjudication before the competent Civil Court.

7. Heard the learned counsel on either side and perused the materials available on record.

8. Considering the above submission made by the learned counsel on either side and also taking into account the facts and circumstances of the case, as well as the photographs produced before this Court, it is seen that the dispute between the parties pertain to family property rights and is the subject matter of pending civil proceedings. Therefore, the respondent police shall not interfere in the civil dispute between the siblings. If the respondents 3 and 4 are aggrieved



by any act of the petitioner, it is always open to them to approach the Competent Civil Court and work out their remedies in the manner known to law.

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

22-06-2026

Jd

Neutral Citation: Yes/No

To

1. The state rep. by
The Superintendent of Police,
District Police Head quarters,
Nagapattinam District, Nagapattinam.

2. The Inspector of Police,
Thittachery Police Station,
Nagapattinam District.

3. The Public Prosecutor,
Madras High Court.



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M.NIRMAL KUMAR J.
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