



Crl.O.P(MD)No.620 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.01.2026

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

Crl.O.P(MD)No.620 of 2026

P.Kumaradhas

... Petitioner

Vs.

1.The State of Tamilnadu,
Rep.by The Superintendent of Police,
Kanyakumari District,
Nagercoil-629 002.

2.The Deputy Superintendent of Police,
Marthandam Sub-Division,
Marthandam P.O,
Marthandam.

3.The Inspector of Police,
Marthandam Police Station,
Marthandam.

4.Sree Kumar

... Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct 3rd respondent to issue CSR on basis of the complaint dated 20.02.2025 and consequently direct the 1st respondent to change



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the investigation officer based on the petitioner's representation dated 06.11.2025.

For Petitioner : Mr.P.F.Ferlin Castro
For R1 – R3 : Mr.M.Sakthi Kumar,
Government Advocate (Crl. side)

ORDER

Seeking to direct the 3rd respondent Police to issue CSR on the basis of the complaint dated 20.02.2025 and consequently direct the 1st respondent to change the Investigation Officer based on the petitioner's representation dated 06.11.2025, this criminal original petition is filed.

2. Considering the nature of the relief sought for, notice to the 4th respondent is dispensed with.

3. The learned counsel for the petitioner submitted that the petitioner has given a complaint as against the 4th respondent with respect to pathway dispute and for which, the 3rd respondent police is delaying issuance of CSR. Hence, the learned counsel for the petitioner



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sought to direct the 3rd respondent to issue CSR on the basis of the complaint, dated 20.02.2025 and also transfer the investigation on the basis of his representation.

4. Per contra, the learned Government Advocate (Crl.Side) submitted that already the petitioner had filed a writ petition in W.P(MD)No.27690 of 2024 before the Hon'ble Division Bench of this Court and the same was disposed by this Court on 20.11.2024, directing the respondents therein to consider the petitioner's representation, dated 31.08.2024, seeking removal of encroachment alleged to have been done by one Sree Kumar, who is the 4th respondent herein, and pass orders within a period of three(3) months. Pursuant to the said order, the Executive Officer, who is the 2nd respondent therein had effected survey with the aid of revenue authorities with respect to the property comprised in S.No.83/19 of Nattalam A Village, Vilavancode Taluk, Kanyakumari District and had confirmed that there is no encroachment as claimed by the petitioner. Thereafter, based on the same said of facts, the petitioner had lodged the complaint before the 3rd respondent police,



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for which CSR was not issued since the matter has already been dealt by the revenue authorities and has been concluded stating that no encroachment is actually done by the 4th respondent herein.

5. Heard the learned counsels on either side and carefully perused the materials available on record.

6. A careful perusal of the complaint, dated 23.10.2025 given by the petitioner through registered post reveal that the petitioner has lodged a complaint with respect to the alleged encroachment by Sree Kumar, i.e., 4th respondent herein. In view of the same, this Court is of the considered view that the petitioner is taking efforts to reopen the civil matter which has already been closed by the Executive Officer, Nallur. It is made clear that the petitioner cannot give a criminal colour to the civil dispute which has already been settled by the revenue authorities.



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7. Recording the same, this Criminal Original Petition is disposed of.

12.01.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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To

1.The Superintendent of Police,
Kanyakumari District,
Nagercoil-629 002.

2.The Deputy Superintendent of Police,
Marthandam Sub-Division,
Marthandam P.O,
Marthandam.

3.The Inspector of Police,
Marthandam Police Station,
Marthandam.

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



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L.VICTORIA GOWRI, J.

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