

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.11.2015

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THE HONOURABLE MR. JUSTICE R.SUBBIAH

CrI.O.P.No.28601 of 2015

Nambidasan

... Petitioner

Vs

1. The Assistant Commissioner,
Madipakkam,
Chennai.
 2. State : Inspector of Police,
Madipakkam Police Station,
Chennai.
- ... Respondents

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondents not to harass the petitioner in any manner.

For Petitioner : Mr.K.S.Kaviarasu

For respondents : Mr.C.Emalias
Additional Public Prosecutor

O R D E R

The present criminal original petition has been filed to direct the respondents not to harass the petitioner in any manner.

2. The petitioner is the absolute owner of the property situated at Plot Nos.844 and 846, Ram Nagar 5th Main Road, Madipakkam admeasuring an extent of 9600 sq.ft. which was acquired by the petitioner by way of the Settlement Deed dated 24.07.2015 executed by his mother Mrs.Lakshmi, which was registered as Document No.4897/2015, in SRO, Velachery. The said property was purchased by the mother of the petitioner as early as in the year 1964 from her vendor Gobinath for a valuable sale consideration.

3. While so, one Muruganandam, who is a stranger to the property and without having any right over the property, is trying to grab the property. Hence the petitioner lodged a

complaint before the respondent police and the same was not entertained by the respondent police as the matter is purely civil in nature and the petitioner was advised to approach the civil court. Therefore, the petitioner filed a suit in O.S.No.202 of 2015 before the learned Subordinate Judge at Tambaram along with an interim injunction application and an interim order was also granted restraining the said Muruganandam. At this Juncture, the said Muruganandam lodged a complaint before the respondent police suppressing the suit proceedings and the same was enquired by the first respondent. The respondent police is harassing the petitioner under the guise of enquiry. Hence the present Criminal Original Petition has been filed.

4. When the matter was taken up for consideration, the learned Additional Public Prosecutor submitted that one Muruganandam has lodged a complaint against the petitioner in respect of the land dispute and the same is pending for enquiry before the second respondent police. The counsel for the petitioner submitted that the respondent police is harassing the petitioner based on the said complaint. But the said statement is denied by the learned Additional Public Prosecutor and only in order to avoid the enquiry, the petitioner has filed the present petition.

5. Considering the submissions made by the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor, Criminal Side, this Court is constrained to pass the following order:-

(i) The petitioner is directed to cooperate with the enquiry.

(ii) The respondents are directed to conduct the enquiry in accordance with law, without harassing the petitioner.

6. The criminal original petition is ordered accordingly.

vrc

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

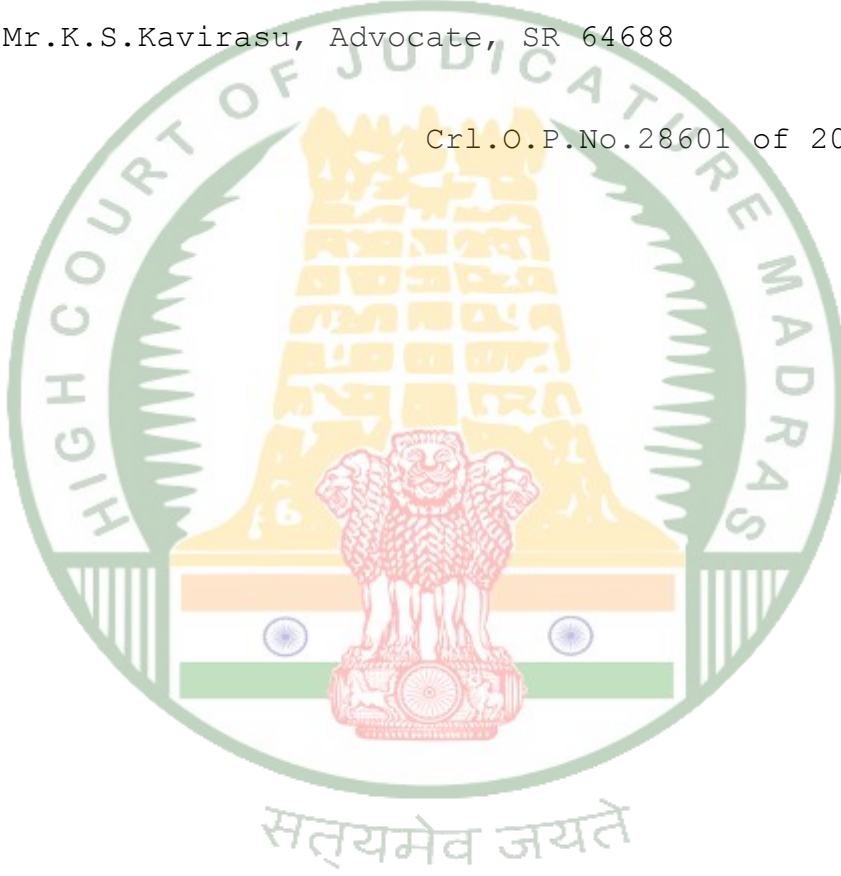
To

1. The Assistant Commissioner,
Madipakkam,
Chennai.
2. The Inspector of Police,
Madipakkam Police Station,
Chennai.
3. The Public Prosecutor,
High Court, Madras.

+ 1 cc to Mr.K.S.Kavirasu, Advocate, SR 64688

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