



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2015

CORAM

THE HONOURABLE Ms.JUSTICE R.MALA

Crl.O.P. (MD)No.14378 of 2015

S.Arumuga Nainar

... Petitioner

Versus

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

2.The Inspector of Police,
Anti - Land Grabbing Cell(Rural),
Tirunelveli -2.

... Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of the Code of Criminal Procedure praying this court to direct the respondents not to harass the petitioner in the guise of enquiry and further direct the respondents not to interfere in the civil dispute.

For Petitioner : Mr.P.Pethu Rajesh

For Respondents: Mr.P.Kannithevan

Government Advocate (Crl. Side)

O R D E R

Heard both sides.

2. The learned counsel for the petitioner submitted that the petitioner has come forward with this petition seeking for a direction, directing the respondents not to harass the petitioner under the guise of enquiry, stating that there is a civil dispute between the parties.

3. The learned Government Advocate(Crl. Side) on instructions would submit that one Sivaraj and Asudevan has given a complaint against the petitioner and based on which, petition enquiry is pending, but whenever the petitioner is called for enquiry, he has not appeared before the respondent police to complete the enquiry and hence, prays for dismissal of this petition.

4. Considering the rival submissions made on both sides that petition enquiry is pending on the basis of the complaint given by one Sivaraj and Asudevan, the petitioner is directed to co-operate with the enquiry and there shall be no harassment to the petitioner under the guise of enquiry, but let the police investigate into the matter in accordance with law and the mandates as found set out in **D.K.Basu Vs. State of West Bengal** reported in **AIR (1997) SC 610**. If really, the petitioner is not interested to be interrogated, it is open for the police to issue summons to the petitioner. Thereupon, the petitioner shall appear before the police and submit himself for interrogation.



4. With the above direction, this petition is disposed of.

Sd/-

Assistant Registrar (Writs)

/True Copy/

WEB COPY

Sub Assistant Registrar.

pm

To

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

2.The Inspector of Police,
Anti - Land Grabbing Cell (Rural),
Tirunelveli -2.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
+1CC to Mr.P.Pethu Rajesh Advocate SR.No.43484

CrI.O.P. (MD) No.14378 of 2015

Dated: 03.08.2015

GJM 12.8.15

2P/5C