



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.12.2015

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

CRL.OP.(MD)No.22473 of 2015

WEB COPY

Y.Solomon Devaraj

:Petitioner

Vs.

1.The Commissioner of Police,
Trichy, Trichy Distict.

2.The Assistant Commissioner of Police,
Anti-land Grabbing Special Cell,
Trichy, Trichy Distict.

3.The Assistant Commissioner of Police,
Law and Order, Srirangam,
Trichy District.

4.S.P.N.Sathyamoorthy

:Respondents

*(R4 impleaded vide order
dated 04.12.2015)

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., praying to direct the respondent police not to interfere in civil disputes and not to harass the petitioner.

For Petitioner

:Mr.S.C.Herold Singh

For Respondents

:Mr.A.P.Balasubramani

1 to 3

Government Advocate(Crl. Side)

For Respondent-4

:Mr.R.Balachandran

O R D E R

The petitioner has come forward with this petition seeking for a direction, directing the respondent police not to interfere in civil disputes and not to harass the petitioner.

2. Mr.S.C.Herold Singh, learned counsel appearing for the petitioner would submit that there are several rounds litigation and in one such litigation, this Court, by an order dated 18.08.2014 in W.P.(MD) No.13550 of 2014 while disposing of the Writ Petition, directed the Revenue Divisional Officer, Thiruchirappalli, to proceed with enquiry in an independent manner. He would further submit that pursuant to the report sent by the Revenue Divisional Officer, Tiruchirappalli, the police has registered a complaint in Crime No.22 of 2014, for the offences under Sections 147, 148, 120(B), 420, 465, 467, 468, 471 and 506 (ii) of IPC. Aggrieved by the registration of said Crime No.22 of 2014, which is contrary to the order of this Court made in W.P.(MD)No.13550 of 2014, dated 18.08.2014, the Cont.P.(MD)No.14491 of 2014 has been filed and in that, statutory notice has been ordered. In the meantime, in Crl.O.P.(MD)No.1072 of 2015, this Court, by an order dated 28.01.2015, quashed the Crime No.22 of 2014, by directing the Inspector of Police, Thiruchirappalli, to proceed with the matter afresh after conducting preliminary enquiry. He also submitted that the respondent police are harassing the petitioner under the guise of enquiry.



3. At this stage, Mr.A.P.Balasubramani, learned Government Advocate (crl.side) appearing for the respondent Police submitted that it is only a civil dispute and that earlier, this Court, by an order dated 28.01.2015, quashed the Crime No.22 of 2014 and that, as directed by this Court, the investigation is going on and if any interrogation or any further investigation is needed by the respondents against the petitioner, the norms which are mentioned in the Judgement of Hon'ble Apex Court in *D.K.Basu Vs. State of West Bengal* reported in AIR (1997) SC 610, would be followed

4. I have heard the counsel appearing on either side and perused the materials available on record.

5. As rightly pointed out by the learned Government Advocate (crl.side), it is only a civil dispute and that the investigation is going on, as directed by this Court and if any interrogation or any further investigation is needed by the respondents against the petitioner, the norms which are mentioned in the Judgement of Hon'ble Apex Court in *D.K.Basu's case* (cited supra) would be followed. It is for the investigating Officer to investigate into the same and act in accordance with law. When that being the case, the petitioner, by means of this petition, is trying to stall the entire proceedings contending that there is an harassment. At this stage, I do not find that there is any need for an order in this petition. Hence, this Criminal Original Petition is closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar (C.S)
Madurai Bench of Madras High Court,
Madurai.

To

1.The Commissioner of Police, Trichy, Trichy Distict.

2.The Assistant Commissioner of Police,
Anti-land Grabbing Special Cell,
Trichy, Trichy Distict.

3.The Assistant Commissioner of Police,
Law and Order, Srirangam, Trichy District.

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

CRL.OP. (MD) No.22473 of 2015

Dated:-04.12.2015

mpk

PBK/NGM-SS/SAR-I 04/12/2015 ::2P-5C:: (IT)