



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.12.2015

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

WEB COPY

Cr1.O.P. (MD) No.24140 of 2015

1.Sankar
2.Mayathevar
3.Petchiammal
4.Raman

... Petitioners

Vs.

1.The Superintendent of Police,
Office of the Superintendent of Police,
Surveyor Colony,
K.Pudur, Madurai - 625 007.

2.The Inspector of Police,
Austinpatti Police Station,
Austinpatti at Thirunagar.
Madurai District.

3.The Sub-Inspector of Police,
Austinpatti Police Station,
Austinpatti,
Madurai District.

4.Eswaran

... Respondents

Prayer: Petition filed under Section 482 of Code of Criminal Procedure praying to direct the 3rd respondent not to harass the petitioners by interfere with the matter purely civil in nature, in so far as the possession and enjoyment of the petitioners, which is pending for adjudication before the learned District Munsif Court, Tirumangalam.

For Petitioners : Mr.T.Vadivelan
For R1 to R3 : Mr.A.P.Balasubramani
Govt. Advocate (Cr1.Side)

O R D E R

This petition has been filed praying to direct the 3rd respondent not to harass the petitioners by interfering with the matter purely in civil in nature, in so far as the possession and enjoyment of the petitioners, which is pending for adjudication before the learned District Munsif Court, Tirumangalam.

<https://hcservices.courts.gov.in/hcservices/>
2. I have heard the learned counsel appearing on either side and perused the materials available on record.



3. The learned Government Advocate (Crl.side), on instruction, would submit that there is a complaint against the petitioner by the defacto complainant, for which the petitioner has been called for enquiry and there is no such harassment against the petitioner and if any interrogation or any further investigation is needed by the respondent against the petitioner, the norms which are mentioned in the Judgement of the Hon'ble Apex Court in **D.K.Basu Vs. State of West Bengal reported in AIR (1997) SC 610**, would be followed. He would further submit that there will not be any harassment against the petitioner and the enquiry or interrogation would be done in accordance with law.

4. Admittedly, the petitioner is arrayed as A1 in a criminal case and therefore, the respondent police is entitled to investigate the matter by interrogating the petitioner in a proper manner. Hence, this Court cannot give any positive direction. Even according to the Government Advocate (Crl.side), there was no harassment done by the police to the petitioner.

5. Recording the statement of the learned Government Advocate (Crl.side) that the respondent police will not harass the petitioner in future under the guise of any enquiry, the criminal original Petition is disposed of. The petitioner cannot use this order to evade the enquiry that is going to be conducted and if any interrogation is needed from the police with regard to any enquiry, it is the duty cast upon the petitioner to participate and co-operate for the enquiry.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar

To

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
Surveyor Colony, K.Pudur, Madurai - 625 007.
- 2.The Inspector of Police,
Austinpatti Police Station,
Austinpatti at Thirunagar, Madurai District.
- 3.The Sub-Inspector of Police,
Austinpatti Police Station, Austinpatti,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

Mpk

AA/JGB-DP/20.01.2016/2p-5c

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