



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.06.2016

CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALA

Crl.O.P.(MD).No.9115 of 2016

WEB COPY

1.U.Jothilingam

2.U.Sethuraman

.. Petitioners

Vs.

State, rep. by the

1.Inspector of Police,

Solavanthan Police Station,

Madurai District.

2.Vani

.. Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C. praying to direct the 1st respondent not to harass the petitioners and his family members and also not to interfere in the civil dispute concerned in the above said property.

For Petitioner

: Mr.T.K.Gopalan

For respondent

: Mr.A.P.Balasubramani,
Government Advocate
(Criminal side)

ORDER

It is an application seeking a direction to the first respondent not to harass the petitioner under the guise of enquiry.

2.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) for the respondent.

3.The learned counsel for the petitioners would submit that already the second respondent herein has filed a civil suit in O.S.No.905 of 2012 for the relief of partition and permanent injunction. He would further submit that since the civil Court has already taken cognizance of the matter, the first respondent has no authority to call the petitioner for enquiry in respect of the civil dispute.

4.The learned Government Advocate (Criminal Side) would submit that only on the basis of the complaint given by the second respondent herein, the petitioners were called for enquiry and not to decide the civil rights of the parties in the Police Station. He would further submit that the first respondent did not cause any harassment to the petitioners.

5.If at all the presence of the petitioners is required, the first respondent is directed to issue summons giving specific date, time and place and to record the statement of the petitioners. Excepting by <https://hcservices.courts.gov.in/hcservices/> the petitioners should not be called to the Police Station.



6. With the above directions, this Criminal Original Petition is disposed of.

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Sd/  
Assistant Registrar (Crl.Side)
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Sub Assistant Registrar

To

1. Inspector of Police,
Solavanthan Police Station,
Madurai District.

2.The Addl. Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to M/S.T.K.Gopalan, Advocate in SR.No.30201

Cr1.O.P (MD) No. 9115 of 2016
14.06.2016

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