



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P. (MD) No.10028 of 2017

Subramani

...Petitioner

-Vs-

1. The Sub-Inspector of Police,
E-1, K.Pudur Police Station,
Madurai District.

2.Rajkumar

...Respondents

PRAYER: This Criminal Original Petition is filed under Section 482 of the Criminal Procedure Code, to direct the 1st respondent herein not to harass the petitioner in the name of fake enquiry.

For Petitioner : Mr.K.Shanmuga Raja

For 1st Respondent : Mr.K.Anbarasan
Government Advocate (Crl.Side)

O R D E R

This Criminal Original petition is filed by the petitioner for a direction to the 1st respondent herein not to harass the petitioner in the name of fake enquiry.

2. Heard Mr.K.Shanmuga Raja, learned counsel appearing for the petitioner and Mr.K.Anbarasan learned Government Advocate (Criminal side) appearing for the first respondent.

3. The case of the petitioner is that he had entered into an agreement with one Mansoor Maraikayar, in respect of the land owned by him. Though the said Mansoor Maraikayar agreed to purchase the land, later, the agreement was cancelled and proposed buyer wanted to get back the money. The petitioner has also admitted that he has agreed to return the money, which he has received as advance. However, it is stated that in this connection, the first respondent is harassing the petitioner under the guise of enquiry and that he has often called the petitioner to Police Station and made him to wait even during night hours. It is further submitted that the harassment is at the instance of



the second respondent has no connection with the agreement or sale transaction.

4. The case of the petitioner is totally denied. However, without going into the merits of the case, this Court is inclined to pass the following order:

5. With regard to the sale agreement between the petitioner and one Mansoor Maraikaya, no enquiry is required. Since the petitioner has agreed to return the money, there cannot be any harassment by the police as the matter is purely civil in nature. Even if the petitioner is required for enquiry, the same also shall be done only by issuing summons prescribing date and time and in the manner prescribed in law.

6. With the above observation, the Criminal Original Petition is closed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Sub-Inspector of Police,
E-1, K.Pudur Police Station,
Madurai District.
2. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.K.Shanmuga Raja, Advocate in Sr.No.70045

das/trp

AE/SKN/SAR3/23.08.2017/2P/4C

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