



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.08.2017

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

CRL.O.P.(MD)No.11089 of 2017

K.Mahalingam

... Petitioner

-Vs-

1. The Superintendent of Police,
Madurai District.

2. The Sub Inspector of Police,
Kallikudi Police Station,
Madurai District.

3. Karuppasamy
4. Karthi
5. Sethu
6. Mallika
7. Janaki
8. Nagamma

... Respondents

PRAYER: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct respondents 1 and 2 herein not to harass the petitioner and his family members under the guise of enquiry.

For Petitioner	: M/s.J.Jeyakumaran
For R-1 & R-2	: Mr.K.Anbarasan, Government Advocate(Crl. Side).

O R D E R

This Criminal Original petition is filed seeking a direction to the respondents 1 and 2 herein not to harass the petitioner and his family members under the guise of enquiry.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal side) appearing for the respondents 1 and 2.

<https://hcservices.ecourts.gov.in/hcservices/>

3. The case of the petitioner is that he had purchased a



property in Survey No.61/8 measuring to an extent of 3 $\frac{3}{4}$ cents at Vepangulam Village, in favour of his son, namely, one Anandakumar. It is further stated that the petitioner and his family members are in possession and enjoyment of the said property. It is also submitted that respondents 3 to 8 herein who are having lands adjacent to the petitioner's property, are trying to disturb the peaceful possession of the petitioner and threatened the petitioner and his family members to vacate from the said property. When the petitioner's son filed civil Suit in O.S.No.230 of 2016 on the file of the District Munsif Court, Tirumangalam, it is also stated by the petitioner that respondents 3 to 8 herein trespassed into the petitioner's land and threatened to withdraw the civil Suit and vacate the said property immediately. When the petitioner filed a criminal complaint, the respondents instead of enquiring into the criminal complaint, it is stated by the petitioner that the petitioner and the family members are harassed by the second respondent police. It is in these circumstances, the petitioner states that the petitioner was constrained to file the above Criminal Original petition.

4. The learned Government Advocate(Criminal Side) however on instructions submitted that the second respondent is only making an enquiry on the complaint received from the petitioner himself.

5. Recording the statement of the learned Government Advocate (Criminal Side), this Court is inclined to pass the following direction:-

"The second respondent police though is permitted to hold an enquiry on the complaint alleged to have been given by the petitioner, there shall not be any harassment by unnecessarily calling upon the petitioner or by threatening the petitioner. The second respondent is directed to hold an enquiry only in relation to cognizable offence if any made in the complaint. With regard to the property dispute, it is open to the parties to approach civil Court for appropriate relief. Since civil suit is also pending at the instance of the petitioner himself, the respondent need not hold any enquiry as to the property dispute or to the right of the parties with regard to the property. However, if the complaint disclose any cognizable offence punishable under law, the same shall be proceeded further in accordance with law without any harassment."

6. This Criminal Original petition is closed with the above direction.

Sd/-

Assistant Registrar(AD-II)

/True copy/



To

1. The Superintendent of Police,
Madurai District.

2. The Sub Inspector of Police,
Kallikudi Police Station,
Madurai District.

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

+ 1 CC TO MR.J.Jeyakumaran, ADVOCATE IN SR No.74441

pmu

MK/KK/SAR-4/05.09.2017/3P/5C

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