

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE P.RAJAMANICKAM

CRL.O.P.No.22231 of 2018

1.A.Vinayagamoorthi
2.Kantha

...Petitioners

Vs.

The Assistant Commissioner of Police,
T.4, Maduravoyal Police Station,
Maduravoyal,
Chennai - 600 095.

...Respondent

PRAYER:

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to direct the respondent police not to harass the petitioners.

For Petitioner :Mr.N.Palanisamy

For Respondent :M/s.M.Prabhavathi
Additional Public Prosecutor

ORDER

This petition has been filed to direct the respondent not to harass the petitioners under the guise of enquiry.

2.The learned counsel for the petitioners has submitted that one Poosammal gave a complaint before the respondent stating that the property under dispute is the ancestral property, but actually the said property is not an ancestral property. He further submitted that it was assigned by the Slum Clearance Board by the order dated 24.04.1995 in favour of the first petitioner and hence, it is a civil dispute. He further submitted that the respondent is unnecessarily interfering in the civil dispute and harassing the petitioners.

3. The learned Additional Public Prosecutor has submitted that based on the complaint given by one Poosammal and her son Mohan for enquiry purpose, the petitioners were called upon, but they were not subjected to any harassment.

4.Considering the aforesaid submissions, the respondent

is directed to enquire the said complaint and and if the enquiry reveals any cognizable offence, he has to register the case and proceed in accordance with law. In case, the enquiry reveals only a civil dispute, the respondent has to direct the complainant to approach the appropriate forum and get appropriate relief in accordance with law and instead of doing so, he should not unnecessarily harass the petitioners.

5. With the aforesaid directions, this Criminal Original Petition is disposed of.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vsa

To

1. The Assistant Commissioner of Police,
T.4, Maduravoyal Police Station,
Maduravoyal, Chennai - 600 095.
2. The Public Prosecutor,
Madras High Court, Chennai.

+1cc to Mr.N.Palanisamy, Advocate, S.R.No.64483

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CS/16/10/2018

सत्यमेव जयते

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