



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.01.2018

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WEB COPY

THE HON'BLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.(MD) No.1304 of 2018

- 1.Balamurugan
- 2.Perumalsamy
- 3.Seeniraj

... Petitioners

-Vs-

- 1.The State of Tamilnadu rep. through its
The Superintendent of Police,
Theni District, Theni.

- 2.The Deputy Superintendent of Police,
Andipatti, Theni District.

- 3.The Inspector of Police,
Gandamanur Vilakku Police Station,
Theni District.

- 4.Minor Sethu Ananth
Represented through his Next Friend,
Natural Guardian and Grandfather
Mr.Sevanamuthu

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to issue and direction to the respondent police to not to harass the petitioners and not to interfere in the civil dispute, which is already pending on the file of suit in A.S.No.64 of 2015 on the file of the subordinate Judge, Theni on the basis of the petitioners representation/complaint dated 03.11.2017.

For Petitioners : Mr.P.M.Vishnuvarthanan

For R-1 to R-3 : Mr.Prabu Ramachandran,
Government Advocate(Crl.side).

O R D E R

This Criminal Original petition has been filed to direct the respondents 1 to 3 not to harass the petitioners based on the complaint given by the fourth respondent.

2.The learned counsel for the petitioners has submitted that the fourth respondent has filed a suit for the relief of declaration



and permanent injunction against the petitioners herein in O.S.No.56 of 2010 on the file of the District Munsif Cum Judicial Magistrate, Andipatti and the said suit was, after full trial, dismissed on 06.09.2013. As against the said judgment and decree the fourth respondent has filed an appeal in A.S.No.64 of 2015 on the file of the Subordinate Judge, Theni and the same is still pending. He further submitted that the fact being so the fourth respondent through his guardian gave a false complaint before the second respondent and the second respondent also frequently called upon the petitioners and harassing them.

3.The learned Government Advocate (Crl.side) has submitted that after receipt of the complaint from the fourth respondent, the petitioners were called upon for enquiry by issuing summons and the summons also was served to the third petitioner, who is brother of the other two petitioners, but even after knowing the said fact the petitioners did not appear for enquiry and not co-operating the enquiry. Hence, the complaint is still pending.

4.considering the aforesaid submissions, the petitioners are directed to appear before the third respondent on 12.02.2018 and on such appearance the third respondent should conduct the enquiry without harassing the petitioners and if the enquiry reveals any cognizable offence, then, he has to register a case and proceed in accordance with law. In case the enquiry reveals only a civil dispute then he has to direct the parties to workout their remedy in the appeal which is already pending before the Subordinate Court, Theni.

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

Sd/-

Assistant Registrar(AS)

/True Copy/

Sub Assistant Registrar

To

- 1.The Subordinate Judge, Theni
- 2.The Superintendent of Police, The State of Tamilnadu,
Theni District, Theni.
- 3.The Deputy Superintendent of Police, Andipatti, Theni District.
- 4.The Inspector of Police, Gandamanur Vilakku Police Station,
Theni District.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC to Mr.P.M.Vishnuvarthanan, Advocate, SR.No. 44467

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