



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.02.2018

CORAM:

WEB COPY

THE HON'BLE MR. JUSTICE P. RAJAMANICKAM

CRL.O.P. (MD) No.1501 of 2018

Joseph

... Petitioner

-vs-

1. The Superintendant of Police,
Sivagangai, Sivagangai District.

2. The State represented by
The Inspector of Police,
District Crime Branch,
Sivagangai District.

3.M.S.Rajan

... Respondents

Prayer: Criminal Original petition is filed under Section 482 of Criminal Procedure Code, to direct the second respondent not to harass the petitioner and his family members under the guise of enquiry on the basis of petitioner representation dated 15.01.2018.

For Petitioner : Mr.A.Muralikumar

For R1 & R2 : Mr.Prabu Ramachandran
Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed by the petitioner, to direct the second respondent not to harass the petitioner and his family members under the guise of enquiry, based upon the complaint given by the third respondent.

2.The learned counsel appearing for the petitioner has submitted that there is a money transaction between the petitioner and the third respondent and the third respondent is insisting the petitioner to execute a sale deed in respect of the petitioner's property and for that the petitioner has not agreed. Hence, the third respondent gave a false complaint before the second respondent and the said complaint has been closed after the enquiry on 11.01.2018 and thereafter again the third respondent



gave another complaint in respect of the same facts and based on the said complaint, the second respondent is harassing the petitioner.

3. The learned Government Advocate (Crl.Side) has submitted that at the time of enquiry in the previous complaint, the petitioner has agreed to execute a sale deed on or before 21.05.2018, but, so far he has not executed the sale deed and hence, the third respondent gave a second complaint. He further submitted that the petitioner was called for enquiry in respect of the second complaint, but the petitioner has not appeared and hence the question of harassing the petitioner does not arise.

4. Considering the aforesaid submissions, the second respondent is directed to enquire the matter by sending summons to the petitioner and if the enquiry reveals any cognizable offence, then he can register a case and proceed further in accordance with law. In case, the enquiry reveals only a civil dispute, then, he has to direct the parties to approach the Civil Court and get appropriate remedy.

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

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Sivagangai, Sivagangai District.

2. The Inspector of Police,
District Crime Branch,
Sivagangai District.

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

+ 1 cc TO Mr.A.Muralikumar , Advocate in SR No. 46085

SSS
AE/MR/SAR2/15.02.2018/2P/5C