



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.03.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

Crl.O.P.(MD) No.3038 of 2018

1.Basheer Ahamed

2.Riyas Ahamed

3.N.Jayabal

... Petitioners

-Vs-

1.The Assistant Commissioner of Police,
(Crime), Ponmalai Zone,
Trichy, Trichy District.

2.The Inspector of Police,
Ponmalaipatti Police Station,
Trichy.

3.Natarajan

... Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the second respondent not to harass the petitioners and their family members.

For Petitioners : Ms.Chamundi Bose

For Respondents : Mr.Prabu Ramachandran (Crl.side)
Government Advocate

ORDER

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

2.The learned counsel for the petitioners has submitted that the third respondent herein, entered into an agreement with the petitioners with regard to the petitioners' property and subsequently, the third respondent has filed a private complaint before the Judicial Magistrate No.II, Trichy and the same was taken on file in Crl.M.P.No.3241 of 2017 and the learned Judicial Magistrate No.II, Trichy has forwarded the said complaint under Section 156 (3) Cr.P.C to the second respondent and based on that, a case was registered in Cr.No.470 of 2017 under Sections 294(b), 120 (b), 417, 420, 506(ii), 467, 468 and 471 IPC and in the said First Information Report, further action has been dropped on 12.07.2017 as the matter is relevant to civil dispute and that being so, the third



respondent again gave another complaint and based on that, the second respondent is harassing the petitioner.

3.The learned Government Advocate (Crl.side) has submitted that the earlier First Information Report was closed on 12.07.2017 as further action has been dropped and thereafter, the third respondent has filed another complaint and the same is still pending for enquiry.

4.Considering the fact that already, the First Information Report has been registered against the petitioners in Cr.No.470 of 2017 and subsequently, the same was closed as further action has been dropped, the second respondent is directed to verify the second complaint and if the facts are same, which are mentioned in the earlier First Information Report, then, he has to direct the third respondent to approach the concerned Court to get appropriate remedy.

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

Sd/
Assistant Registrar(W)

/True copy/

Sub Assistant Registrar

To

1.The Assistant Commissioner of Police,
(Crime), Ponmalai Zone,
Trichy, Trichy District.

2.The Inspector of Police,
Ponmalaipatti Police Station,
Trichy.

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

+1cc to Mr.CHAMUNDI BOSE, Advocate, SR.No. 54490

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