



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2018

CORAM

THE HON'BLE MR.JUSTICE P.RAJAMANICKAMCrl.O.P(MD).No.3131 of 2018

WEB COPY

- 1.Kaleeswaran
- 2.Nirmala
- 3.Shanmugam

... Petitioners

-Vs-

1. The Commissioner of Police,
Madurai City,
Madurai.

2. The Inspector of Police,
Koodalnagar Police Station,
Madurai District.

3. Saravanan

... Respondents

Prayer: Petition filed under Section 482 of Code of Criminal Procedure, to direct the second respondent not to harass the petitioner and his family members based on the enquiry.

For Petitioner : Mr.C.Ramesh

For Respondents : Mr.Prabu Ramachandran (for R1 & R2)
Government Advocate (Crl.side)

O R D E R

This Criminal Original 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 due to money transaction the third respondent gave a false complaint before the second respondent and hence, the petitioners 1 and 2 herein have filed a petition in Crl.O.P(MD).No.4764 of 2017 and the same was closed on 26.04.2017 as no petition was pending against them. He further submitted that, subsequently, the same kind of complaint was given by the third respondent herein, and based on that, the second respondent harassed the petitioners herein, and hence, they have filed another petition in Crl.O.P(MD).No.15004 of 2017 and when the said petition came up for hearing the learned Additional Public Prosecutor has submitted that the complaint, which was given by one K.Saravanan, who is the third respondent herein, was closed after enquiry, by directing the parties to approach the Civil Court. As the third round, the third respondent has lodged another complaint before the second respondent and based on that, the second respondent is now

harassing the petitioners and their family members and hence, this petition.

3.The learned Government Advocate (Crl.side) has submitted that the third respondent has lodged a complaint against the petitioners herein before the first respondent and the same has been forwarded to the second respondent and the same is pending for enquiry and only for enquiry purpose the petitioners were called upon and they were not subjected to any harassment.

4.A perusal of the order passed by this Court in Crl.O.P(MD). No.15004 of 2017 dated 07.11.2017, shows that the learned Additional Public Prosecutor has submitted that the enquiry was conducted in pursuance of the complaint given by the third respondent herein against the petitioners herein and the same was closed, by directing the parties to approach Civil Court to resolve their dispute. That being so, it is not known as to how the second respondent can once again compel the petitioners to appear for enquiry. Therefore, the second respondent is directed not to harass the petitioners under the guise of enquiry and he has to direct the third respondent to approach the Civil Court for getting appropriate remedy.

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

Sd/-

Assistant Registrar(w)

/True Copy/

Sub Assistant Registrar

To

1. The Commissioner of Police,
Madurai City,
Madurai.

2. The Inspector of Police,
Koodalnagar Police Station,
Madurai District.

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

+1cc to Mr.C.Ramesh, Advocate Sr.No.55394

RMK

VB/SKN/RSK/SAR1/05/04/2018/2P/5C