



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 22.03.2018
CORAM

THE HONOURABLE MR.JUSTICE **P.RAJAMANICKAM**

Crl.O.P.(MD) No.3932 of 2018

P.Abraham

...Petitioner

-Vs-

The State of represented by

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

2. The Inspector of Police,
District Crime Branch,
SP Office Campus,
Tuticorin.

...Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, to direct the second respondent not to harass the petitioner based on the complaint dated 26.12.2017.

For Petitioner	: Mr.T.Selvan
For Respondents	: Mr.Prabhu Ramachandran Government Advocate (Crl.Side)

ORDER

This Criminal Original Petition has been filed to direct the second respondent not to harass the petitioner based on the complaint given by the petitioner dated 26.12.2017.

2.The learned counsel appearing for the petitioner has submitted that on 02.03.2018, one constable of the second respondent went to the petitioner's house and served the summons for enquiry stating that there is a complaint given by one Ganesh S/o.S.C.Pandian of Chennai against the petitioner regarding land dispute and directed him to appear before him on 10.03.2018 at 11.30am. He further submitted that already a civil suit is pending, in respect of the same issue and that being so, the second respondent is harassing the petitioner under the guise of enquiry.

3.The learned Government Advocate(Crl.side) has submitted that one Ganesan gave a complaint before the second respondent dated 26.12.2017 and when the said complaint was under consideration, he has filed Crl.OP(MD)No.2033/2018 before this Court and in that petition, it was ordered on 09.02.2018 that the second respondent has to expedite the enquiry and if the enquiry reveals any cognizable offence, then he has to register a case and proceed



further in accordance with law and only based on the said order, the second respondent has issued summons to the petitioner for his appearance on 10.03.2018 for enquiry. He further submitted that instead of appearing before the second respondent, he immediately approached this Court and filed this petition and there is no bonafide in this petition and hence, he requests to dismiss this petition.

4.As per the order passed by this Court in Crl.OP(MD)No.2033 of 2018 dated 09.02.2018, the second respondent has issued summons to the petitioner directing him to appear for enquiry on 10.03.2018, in respect of the complaint given by one Ganesan. The said act cannot be said as harassment. The purpose of issuing summons is to enable the petitioner to put forth his case, even before registering the case and if he felt that he is being harassed by the act of issuing summons by the second respondent, then the second respondent need not wait for appearance of the petitioner, he can examine the complainant and consider the materials produced by him and if the enquiry reveals any cognizable offence, then he has to register a case as per the order passed by this Court in Crl.OP(MD)No.2033 of 2018 and proceed further in accordance with law.

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

Sd/-

Assistant Registrar(Crl side)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent of Police,
Tuticorin District, Tuticorin.
 2. The Inspector of Police,
District Crime Branch,
SP Office Campus, Tuticorin.
 3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- + 1 cc TO Mr.T.Selvan , Advocate in SR No. 57333

das

AE/KKR/SAR3/19.04.2018/2P/5C