



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.(MD).No.15019 of 2018

1.Perumal
2.Perumal Raja

... Petitioners

Vs.

1. The Superintendent of Police,
Thoothukudi District, Thoothukudi

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

3. Mrs.Anitha Rani,
The Sub-Inspector of Police,
District Crime Branch,
Thoothukudi District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. to direct the second and third respondents not to harass the petitioners by interfering into a civil subject matter in respect of the properties situated in Survey Nos.1538, 1539, 1547, 1549, 1557, 1558 and 1562, Aniyaparanallur, Thoothukudi District, under the garb of making use of their powers as conferred upon their under Chapter XII of Cr.P.C

For Petitioners	: Mr.R.Anand
For R1 & R2	: Mr.M.Chandra Sekaran Additional Public Prosecutor

O R D E R

This Criminal Original Petition has been filed seeking for a direction to the second and third respondents not to harass the petitioners by interfering into a civil subject matter in respect of the properties situated in Survey Nos.1538, 1539, 1547, 1549, 1557, 1558 and 1562, Aniyaparanallur, Thoothukudi District, under the garb of making use of their powers as conferred upon their under Chapter XII Cr.P.C

<https://hcservices.ecourts.gov.in/hcservices/> 2. Heard the learned Counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondents 1 and 2.



3. The learned Additional Public Prosecutor appearing for the respondents police 1 and 2 would submit that on the complaint given by Sathiyathan, against the petitioners, petition enquiry is pending in No.P4/0322933/1802/18, on the file of the third respondent police.

4. The learned counsel appearing for the petitioners would submit that the respondent Police compelling the petitioners to execute the document in favour of the de facto complainant. The learned counsel would further submit that the petitioners appeared before the respondent Police on more than two occasions.

5. The petitioners are directed to cooperate with the police for enquiry and at the time of conducting of the enquiry, the petitioners shall not be harassed by the police. The police cannot call the petitioners on a regular basis in the guise of enquiry without even registering an FIR and the Supreme Court of India in **Lalitha Kumari Vs. Government of Uttar Pradesh** reported in **2013 (6) CTC 353** has enumerated the nature of cases where preliminary enquiry can be conducted and has also restricted the period, for which the preliminary enquiry can be conducted. During the course of enquiry, if any cognizable offence is made out, the second and third respondents are free to register an FIR and this order shall not be a shield for the petitioners against the respondents proceedings to take action in accordance with law.

6. The second and third respondents are directed to confine the enquiry only to the facts of the case and are directed to comply with the above said directions. The respondents shall not force the petitioners to execute any document in favour of the de facto complainant.

7. With the above directions, the Criminal Original Petition is closed.

Sd/-
Assistant Registrar (Crl.side)

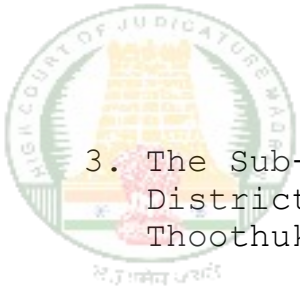
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Sub Assistant Registrar (CS-II)

To

1. The Superintendent of Police,
Thoothukudi District, Thoothukudi

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



3. The Sub-Inspector of Police,
District Crime Branch,
Thoothukudi District.

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

+ 1 CC TO Mr.R.ANAND, ADVOCATE IN SR No. 80304

TSG

TE/JM/SV/SAR-2 : 17/09/2018 : 3P/6C

Cr1.O.P. (MD) .No.15019 of 2018
24.08.2018