



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 14.11.2018

CORAM:

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA
CrI.O.P. (MD).No.20164 of 2018

A.Subramanian

... Petitioner

Vs.

1.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram

2.The Additional Superintendent of Police,
Prohibition Enforcement Wing,
Ramanathapuram District.

3.The Inspector of Police
District Crime Branch,
Ramanathapuram District.

4.M.Thamodharan

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the second respondent not to harass the petitioner under the guise of enquiry pursuant to the representation of the petitioner, dated 30.10.2018.

For Petitioner :Mr.C.Mayilvahana Rajendran

For R-1 to R-3:Mr.R.Anandharaj

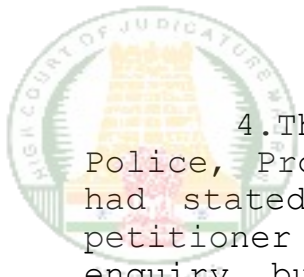
Additional Public Prosecutor

O R D E R

This petition has been filed seeking for a direction to the second respondent not to harass the petitioner under the guise of enquiry, pursuant to the representation of the petitioner, dated 30.10.2018.

2.Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the official respondents.

3.The learned counsel for the petitioner would submit that the petitioner is doing Real Estate business. The petitioner and one Thamodharan were jointly doing the business, they incurred heavy loss. Due to the dispute, Thamodharan/fourth respondent herein has lodged a complaint against the petitioner. Whereas, the second respondent, who is an Additional Superintendent of Police, Prohibition Enforcement Wing, is unnecessarily interfering in the dispute and harassing the petitioner.



4.The second respondent /the Additional Superintendent of Police, Prohibition Enforcement Wing, filed a counter, wherein, he had stated that on seeing the complaint, he has contacted the petitioner over the Mobile Phone and requested him to appear for enquiry, but, the petitioner did not appear for enquiry.

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5.At this juncture, the learned counsel for the petitioner would submit that without any charge being handed over to him, the second respondent has un-necessarily interfered and conducted enquiry illegally.

6.The learned Additional Public Prosecutor would submit that as of now, the complaint has been forwarded to the third respondent, to conduct enquiry. He would also submit that since the file has been handed over to the third respondent, enquiry will be conducted by the third respondent.

7.Recording the same, this Criminal Original Petition stands closed and the third respondent is directed to conduct enquiry in accordance with law. After the enquiry, if it is found that the dispute is 'civil in nature', shall close the enquiry.

Sd/-
Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1.The Superintendent of Police,
Ramanathapuram District,
Ramanathapuram

2.The Additional Superintendent of Police,
Prohibition Enforcement Wing,
Ramanathapuram District.

3.The Inspector of Police
District Crime Branch,
Ramanathapuram District.

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

- 1 CC TO Mr.C.MAYILVAHANA RAJENDRAN , ADVOCATE IN SR No.95280.
- LS
- DS RSK SAR1 18 12 2018 2P 6C