



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE N. SESHASAYEE

Crl.O.P. [MD] No. 2479 of 2019

Chandrasekar : Petitioner

Vs.

1. The Superintendent of Police,
Kanyakumari District.

2. The Sub-Inspector of Police,
District Crime Branch,
Kanyakumari District.

3. Fr. Jerold : Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the second respondent not to interfere into the existing civil dispute between the petitioner and the third respondent under the guise of enquiry on the basis of the complaint of the third respondent.

For Petitioner : Mr. A. Mohamed Haneef

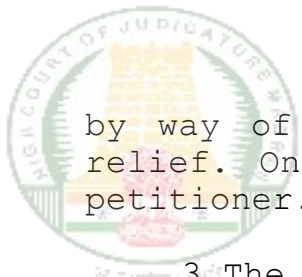
For R1 and R2 : Mr. V. Neelakandan
Additional Public Prosecutor

O R D E R

This petition has been filed to direct the second respondent not to interfere into the existing civil dispute between the petitioner and the third respondent under the guise of enquiry.

2.1. The learned counsel for the petitioner submitted that the third respondent had agreed to purchase the property of the petitioner and an written agreement was also entered into between them on 13.02.2016. Advance amount has also been paid to the petitioner as per the said agreement. While so, the third respondent issued notice terminating the contract and wanting the petitioner to repay the advance amount. The petitioner had issued reply notice on 13.02.2017 requiring the petitioner to perform his part of the contract.

2.2. This issue on the very face of it is civil nature, whereas the third respondent had now approached the second respondent police



by way of a complaint instead of moving civil Court for getting relief. On that complaint, the second respondent is harassing the petitioner.

3. The learned Additional Public Prosecutor submitted that summons have been issued to the petitioner for enquiry and he has also participated in the enquiry. The matter is still under consideration and the second respondent has not harassed the petitioner and not intended to harass the petitioner.

4. Suffice to state that where the applications spring from any contract, the dispute will have a civil overtone. The Police apparently cannot be placed into these issues as before whom such dispute cannot be resolved. However, there is any *prima facie* allegation of commission of a crime, the police can interfere in it. Inasmuch as the prayer sought for is limited that the petitioner should not be harassed, the Investigating Agency is directed to enquire the matter strictly in accordance with law and should not adopt any extra legal methods. If at all the presence of the petitioner is required by the respondent police for enquiry, the same shall be done by issuing summons mentioning a specific date and time for enquiry. During enquiry, there shall not be harassment to the petitioner.

5. Recording the statement made by the learned Additional Public Prosecutor, this criminal original petition is closed as nothing survives for further adjudication.

Sd/-

Assistant Registrar(Crl.Side)

/True Copy/

Sub Assistant Registrar(CS)

To

1. The Superintendent of Police,
Kanyakumari District.
2. The Sub-Inspector of Police,
District Crime Branch,
Kanyakumari District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.N.ADITHYAVIJAYALAYAN, Advocate (SR-48564

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