



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

Crl.O.P.(MD).No.3720 of 2019

G.Vasukinathan

... Petitioner

Vs

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

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

3.Nagarajan

...Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to direct the second respondent not to harass by interfering into the civil subject matter in respect of the petitioner's rental house situated at No.2/1155, Santhanam Nagar 3rd Street, kannanendal, Madurai-14.

For Petitioner : Mr.R.Anand

For R1 & R2 : Mr.V.Neelakandan

Additional Public Prosecutor

O R D E R

This Petition is filed to direct the second respondent not to harass by interfering into the civil subject matter in respect of the petitioner's rental house, situated at No.2/1155, Santhanam Nagar 3rd Street, kannanendal, Madurai-14.

2.The learned counsel appearing for the petitioner submits that he is a tenant of the third respondent and the complaint of the third respondent to the second respondent Police appears to have been preferred for eviction and on the basis of the said complaint, the second respondent is harassing him. He also further submitted that the petitioner has already filed a civil suit in O.S.No148 of 2018, before the District Munsif Court, Melur and it was dismissed for default for non payment of batta and it is being restored on file.

3.The learned Additional Public Prosecutor submitted that a complaint was preferred by the third respondent and the same is being enquired. He also added that the respondent Police have neither harassed the petitioner nor intended to harass him.



4.The submission of the learned Additional Public Prosecutor is recorded. If the second respondent is instructed that unless the allegation in the complaint discloses prima facie commission of crime, he shall step aside. If the second respondent requires the presence of the petitioner for any preliminary interrogation / enquiry in connection with any such pending complaint, the same shall be done by issuing fresh summons under Section 41 A Cr.P.C. mentioning a specific date and time for enquiry and also giving reasonable time for him to travel to the venue of such enquiry. The petitioner is also directed to co-operate with the enquiry. During enquiry, there shall not be harassment to the petitioner.

5.In view of the above, this Criminal Original Petition is disposed of.

Sd/-

Assistant Registrar(Writs)

/TRUE COPY/

Sub Assistant Registrar(CS)

To

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

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

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

+1 CC to M/s.R.ANAND, Advocate (SR-53452[F] dated 12/03/2019)

Cr1.O.P.(MD) .No.3720 of 2019

DS(CS) :07/05/2019/2P/5C