



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :12.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

Cr1.O.P.(MD).No.3752 of 2019

Vayiravan @ Mani

... Petitioner

Vs.

1.The Superintendent of Police,
Pudukottai District.

2.The Inspector of Police,
Anti Land Grabbing Special Cell,
Pudukottai District.

3.VE.A.VE. Muthaiah Chettiar

... Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to direct the respondent No.1 to instruct the second respondent not to harass the petitioner under the guise of enquiry.

For Petitioner : Mr.A.K.Hemaraj

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

O R D E R

This petition is filed to direct the first respondent to instruct the second respondent not to harass the petitioner under the guise of enquiry.

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

3.The petitioner herein accuses that the second respondent harassing him on the basis of the complaint given by the third respondent, who is his own brother.

4.The learned counsel appearing for the petitioner would allege that he has responded to the summons issued by the second respondent for an enquiry and he has come to know that he is being accused of selling the ancestral piece of property. He further argued that the petitioner has earlier sold the property in the year

2015 in the presence of the third respondent and knowing fully well, the status of the property and the transaction has already been taken place, the third respondent has now approached the second respondent with a prayer that the petitioner must be prevented from alienating the property.

5. On hearing the argument of the petitioner's counsel, it is seen that the dispute is in purely civil dispute and the second respondent has a little role to play.

6. The learned Additional Public Prosecutor appearing for the respondents 1 and 2 submitted that a complaint has been preferred by the third respondent, who is the brother of the petitioner and summons have been issued to the petitioner for interrogation / enquiry. But the petitioner did not respond to the same. He also added that there is no harassment by the second respondent.

7. It is settled law that if the dispute is of civil nature, then, the Police shall not step-in. However, if it involves any criminal overtone, 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 fresh summons mentioning a specific date and time for enquiry. The petitioner is also directed to co-operate with the enquiry. During enquiry, there shall not be harassment to the petitioner.

8. In view of the above, the Criminal Original Petition stands disposed of.

Sd/-

Assistant Registrar (Crl. Side)

/TRUE COPY/

Sub Assistant Registrar

TO:

1. The Superintendent of Police,
Pudukottai District.
2. The Inspector of Police,
Anti Land Grabbing Special Cell,
Pudukottai District.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1. C.C. to M/S.A.K.Hemraj, Advocate SR.No. 53436

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