



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE N. SESHASAYEE
Cr1.O.P.[MD]No.3979 of 2019

WEB COPY

1.K.Mohan
2.J.R.Sundrasan

:Petitioners

Vs.

1.The Commissioner of Police,
Madurai City.

2.The Inspector of Police,
Avaniyapuram Police,
Madurai-12.

3.K.Poopandi

: Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the second respondent not to harass the petitioners.

For Petitioner : Mr.P.Paranthaman
For R1 and R2 : Mr.A.P.G.Ohm Chairma Prabhu
Government Advocate (Cr1.Side)

ORDER

The petitioner complains that the third respondent owned a piece of property. She has mortgaged the same earlier with the petitioners and subsequently on 15.09.2015, the third respondent had executed a registered sale deed in favour of the second petitioner and after four years, she now have approached the respondent police with some complaint, based on which, the second respondent is harassing them.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Cr1.Side) for the respondent Police.

3. The learned Government Advocate (Cr1.Side) submitted that the complaint preferred by the third respondent is now pending enquiry.

4. Without making any opinion on the merits of the contents of the complaint, relying solely the submissions made by the learned counsel for the petitioner it *prima facie* appears to this Court



that this matter may well involve civil dispute.

5. Therefore, if the complaint involves any civil dispute, necessarily, the second respondent has to step aside. If however, the complaint *prima facie* discloses commission of crime and if the second respondent considers it appropriate to hold preliminary enquiry, then the same may be done on summons to the petitioners mentioning the specific date and time for enquiry. During enquiry, there shall not be harassment to the petitioners.

6. With the above direction, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (P&A)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Commissioner of Police,
Madurai City.

2. The Inspector of Police,
Avaniyapuram Police,
Madurai-12.

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

TA

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KM/ (08.04.2019) 2P 4C