



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2019

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Crl.O.P.(MD)No.4110 of 2019

1.Maheswari

2.Ramesh

... Petitioners

/Vs./

1.The Commissioner of Police, Madurai, Madurai City.

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

3.The Inspector of Police,
K.Pudur Police Station,
Madurai, Madurai District.

4.G.Gunasekaran

... Respondents

Prayer: Petition - filed under Section 482 of the Criminal Procedure Code, to direct the 3rd respondent not to harass the petitioners and their family members under the guise of enquiry on the basis of the petitioners' representation dated 14.03.2019.

For Petitioners : Mr.S.Muthukumar

For R-1 to R-3 : Mr.V.Neelkandan

Additional Public Prosecutor

ORDER

This petition is filed to direct the 3rd respondent not to harass the petitioners and their family members under the guise of enquiry on the basis of the petitioners' representation dated 14.03.2019.

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

3. The learned counsel appearing for the petitioners submitted that the petitioners have laid a suit in O.S.No.970 of 2002 before the District Munsif Court, Madurai for partition. The said suit appears to have been dismissed for default and has since been restored. In the meantime, the petitioners face harassment from the third respondent presumably at the instance of the fourth respondent.

4. The learned Additional Public Prosecutor concurred with the first part of the submission of the petitioners' counsel and stated



that the fourth respondent has preferred a complaint in C.S.R.No.88 of 2019 and the same is pending consideration. He however denied that there has been any harassment on the part of the third respondent.

5. The statement of the learned Additional Public Prosecutor is recorded. *Prima facie* the dispute appears to be a civil dispute and if it is so, the third respondent shall have to step aside. If however the complaint of the fourth respondent possesses element of criminality and if the third respondent considers that it is appropriate to hold any preliminary enquiry, 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 them to travel to the venue of such enquiry. The petitioners are also directed to co-operate with the enquiry. During enquiry, there shall not be harassment to the petitioners. Accordingly, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (CRL SIDE)

// True Copy //

Sub Assistant Registrar (CS)

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To

- 1.The Commissioner of Police, Madurai, Madurai City.
- 2.The Superintendent of Police,
Madurai, Madurai District.
- 3.The Inspector of Police,
K.Pudur Police Station,
Madurai, Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1CC TO MR.S.MUTHUKUMAR, Advocate Sr. No. 55816

Order made in
Crl.O.P.(MD)No.4110 of 2019
Dated: 19.03.2019

TR (09.04.2019) 2P 6C