



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.3.2019

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WEB COPY

THE HON'BLE **MR. JUSTICE N. SESHASAYEE**

Crl.O.P. (MD) No. 4244 of 2019

1.M.Srinivasan

2.Nirmala

... Petitioners

-Vs-

1.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai District.

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

3.P.Gomathi

... Respondents

Prayer: Criminal Original petition - filed under Section 482 of Code of Criminal Procedure, to direct the 2nd respondent police not to interfere in this pure civil dispute and also direct the respondents not to harass the petitioners in the name of enquiry.

For Petitioners : Mr.B.Sukumar

For R-1 & R-2 : Mr.V.Neelakandan

Additional Public Prosecutor

ORDER

This Criminal Original petition has been filed to direct the 2nd respondent police not to interfere in this pure civil dispute and also direct the respondents not to harass the petitioners in the name of enquiry.

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

3. The learned counsel appearing for the petitioners submitted there is a piece of property in which the fractional share was brought to Court-auction sale and the petitioners had purchased the same. The remaining portion was purchased by the third respondent, who in 2018 had sold the same to the second petitioner. Now, the third respondent appeared to have moved the second respondent with a complaint, on the strength of which, the second respondent is harassing the petitioners.



4. The learned Additional Public Prosecutor submitted that the complaint has been received from the third respondent and it is being enquired into. He added that the respondent police has neither harassed the petitioners nor intended to harass them.

5. Unless the contents of the complaint discloses *prima facie* commission of any offence, and if the second respondent is keen to hold any preliminary enquiry on the same, the same shall be done on 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.

6. Accordingly, this criminal original petition is disposed of.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Commissioner of Police,
Office of the Commissioner of Police,
Madurai District.
- 2.The Inspector of Police,
Theppakulam Police Station,
Madurai District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to Mr.B.SUKUMAR,Advocate, SR.No. 56086

Cr1.O.P.(MD)No.4244 of 2019

SM

KK/SAR/16.04.2019/ 2P- 5C