



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2019

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Crl.O.P. (MD)No.4336 of 2019

1.P.Ravichandran
2.S.Kudbudeen
3.O.Sowdy
4.MRC.Saisankar

... Petitioners

/Vs./

1.The Assistant Commissioner of Police,
City Crime Branch, Trichy District.

2.Iswarya Lakshmi

... Respondents

Prayer: Petition - filed under Section 482 of the Criminal Procedure Code, to direct the first respondent not to harass the petitioner without following the due process of law.

For Petitioners : Mr.M.Subashbabu

For R-1 : Mr.V.Neelakandan
Additional Public Prosecutor

ORDER

This petition is filed to direct the first respondent not to harass the petitioner.

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

3. The case of the petitioner is that there is a piece of property which originally belongs to certain Sundaravadivel, who had earlier executed a power of attorney in favour of the second respondent herein to deal with the property. Later, the said Sundaravadivel had cancelled the power of attorney and entered into a sale agreement with the petitioners herein. In the meantime, at the instance of the second respondent, the first respondent is harassing them. He added that subsequent to the cancellation of the power of attorney in her favour, Sundaravadivel has entered into a sale agreement with them.



4.The learned counsel appearing for the petitioners submitted that the petitioners have laid O.S.No.233 of 2019 before the District Munsif Court, Trichy, for bare injunction against the said Sundaravadivel. They suspected that Sundaravadivel has set up the second respondent and causing a complaint to be laid.

5.The learned Additional Public Prosecutor submitted that a complaint preferred by the second respondent is pending consideration by the Police.

6.Taking the submissions of the petitioners' counsel on its face value, this Court is of the view that *prima facie* it would constitute a civil dispute. Therefore, if the complaint now filed by the second respondent *prima facie* discloses commission of a cognizable offence and if the investigating officer intends to hold any preliminary enquiry, the same shall be done on summons issued under Section 41(A) Cr.P.C. During the enquiry, there shall not be any harassment by the respondent Police to the petitioners herein.

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

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Assistant Commissioner of Police,
City Crime Branch, Trichy District.

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

+1 cc to Mr.M.Subash Babu, Advocate in SR No.56363

Cr1.O.P.(MD)No.4336 of 2019
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tsg

PK/15.04.2019 : 2P/4C