



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **26.03.2019**

CORAM:

THE HONOURABLE MR.JUSTICE. N.SESHASAYEE

CrI.O.P.[MD].No.4512 of 2019

WEB COPY

1.V.Ponnuthai

2.Mariyammal

: Petitioners

/Vs./

1.The Superintendent of Police,
Virudhunagar District, Madurai.

2.The Inspector of Police,
Anti-land Grabbing Cell,
Virudhunagar, Virudhunagar District.

3.Raja

: Respondents

PRAYER: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the 2nd respondent not to harass the petitioners in the name of enquiry and not to interfere into the civil disputes and by considering the petitioners' representation dated 21.03.2019.

For Petitioners : Mr.M.Solaisamy

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

Additional Public Prosecutor

ORDER

This petition is filed to direct the 2nd respondent not to harass the petitioners in the name of enquiry and not to interfere into the civil disputes and by considering the petitioners' representation dated 21.03.2019.

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' father one Lingappan Naicker S/o.Iyappa Naicker, owned a block of land measuring 2.485 hectares. He died in 1987. Thereafter, the property came to be devolved on his legal representatives and land tax is being paid by his wife Seethalakshmi. Be that as it may, the third respondent appears to have preferred a complaint to the second respondent alleging that Lingappan Naicker mentioned was his father and the petitioners have fabricated documents.

4. The learned Additional Public Prosecutor submitted that the allegation made in the complaint preferred by the third respondent is about what is stated by the petitioners, in that he would allege that misusing the similarity of the third respondent's father's name and the petitioners' father's name, the petitioners



have fabricated some documents. He added that the respondent police have neither harassed the petitioners nor intended to harass them.

5. To this, the learned counsel appearing for the petitioners would submit that the property stood in the name of the petitioners' father even prior to 1987 and that the petitioners have not fabricated any documents.

6. The Statement of the learned Additional Public Prosecutor is recorded. Unless the complaint preferred by the third respondent discloses commission of any cognizable offence, the second respondent shall step aside. For the present, if the second respondent requires to hold any preliminary enquiry / interrogation, the same shall be done by issuing fresh summons under Section 41 A Cr.P.C., mentioning specific date and time for enquiry and also giving reasonable time for him 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.

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

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To

- 1.The Superintendent of Police, Virudhunagar District, Madurai.
 - 2.The Inspector of Police,
Anti-land Grabbing Cell, Virudhunagar, Virudhunagar District.
 - 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.M.SOLAISAMY, Advocate (SR-56898[F] dated 27/03/2019)

Cr1.O.P.[MD].No.4512 of 2019

26.03.2019