



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.03.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

Crl.O.P.[MD]No.4530 of 2019

R.B.Kannan

: Petitioner

Vs.

1.The State represented by,
The Commissioner of Police,
Madurai City.

2.The Inspector of Police,
Annanagar Police Station,
Madurai City.

3.Dr.S.Murugan

: Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the Inspector of Police, Annanagar Police Station, Madurai City, the 2nd respondent herein, not to interfere into the civil dispute in connection with a complaint given by the 3rd respondent.

For Petitioner : Mr.S.Balaji
For R1 & R2 : Mr.V.Neelakandan
Additional Public Prosecutor

ORDER

This petition has been filed to direct the Inspector of Police, Annanagar Police Station, Madurai City, the 2nd respondent herein, not to interfere into the civil dispute in connection with a complaint given by the 3rd respondent.

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

3. The learned counsel for the petitioner submitted that the petitioner is the former tenant of the third respondent, that he, after vacating, has handed over the documents, yet he faces harassment from the second respondent at the instance of his former landlord.

4. The learned Additional Public Prosecutor appearing for the first and second respondents submitted that the complaint has been received alleging some damage to the leased premises. He added that the respondent police have neither harassed the petitioner nor intended to harass him.



5. The statement of the learned Additional Public Prosecutor is recorded. *Prima facie* it appears to be a civil dispute and hence if the complaint preferred by the third respondent does not disclose commission of any cognizable offence, the second respondent shall step aside. If however any *prima facie* commission of any cognizable offence is indicated, necessarily the investigating Agency should follow the principles in the judgment reported in **2013 (6) CTC 353 [Lalitha Kumari Vs. Government of Uttar Pradesh]** case. If on the other hand the second respondent considers that it is necessary to hold any preliminary enquiry / interrogation, the same shall be done only on summons under Section 41 A Cr.P.C., mentioning a specific date and time for enquiry and also giving reasonable time for him to travel to the venue of such enquiry. The petitioner is also directed to co-operate with the enquiry. During enquiry, there shall not be harassment to the petitioner.

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

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

sm/vsd

To

1.The Commissioner of Police,
Madurai City.

2.The Inspector of Police,
Annanagar Police Station,
Madurai City.

+1CC TO MR.S.BALAJI, Advocate Sr. No.56800

Cr1.O.P.[MD]No.4530 of 2019
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TR (27.04.2019) 2P 4C